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SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, January 4, 1973.

The City Planning Commission met pursuant to notice on Thursday, January 4, 1973, at 1:00 P.M. in the meeting room at 100 Larkin Street.

PRESENT: Walter S. Newman, President; Mrs. Charles B. Porter, Vice-President; John C. Farrell, Mortimer Fleishhacker, Thomas J. Mellon, John Ritchie, and Hector E. Rueda, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by Allan B. Jacobs, Director of Planning; R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator); Robert Passmore, Planner V (Zoning); Daniel Sullivan, Planner IV (Zoning); Alan Lubliner, Planner II; Russell Watson, Planner I; and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner; Mitchell Thomas represented the San Francisco Chronicle.

APPROVAL OF MINUTES

It was moved by Commissioner Rueda, seconded by Commissioner Fleishhacker and carried unanimously that the minutes of the meeting of October 12, 1972, be approved as submitted.

CURRENT MATTERS

Allan B. Jacobs, Director of Planning, reminded the Commission that a Special Meeting has been scheduled for next Friday morning, January 13, at 9:00 A.M. for review of Capital Improvement Program submissions.

The Director advised the Commissioners that he will be sending them a draft of changes being proposed in the Commission's Rules and Regulations. The changes, most of which are being proposed to take account of the recent Charter amendment applying to Committee meetings, will be scheduled for consideration on January 18. He asked the Commissioners to call him if, after reading the revisions, they have any comments, questions, or recommendations for further changes.

The Director stated that a letter had been received from the City Attorney advising that a law suit against a building permit for a high-rise apartment to be located on the southeast corner of California and Jones has been dismissed. As a result, the Environmental Impact Hearing scheduled for January 18 will no longer be required.

The Director informed the Commission that a letter had been received from Gerald N. Hill, Attorney for the Pacific Heights Association, requesting the

Commission to disapprove permits for the demolition of buildings located at 2055 and 2065 Sacramento Street. The owner of the property had proposed to use the site for construction of a nine-story, poured concrete building containing 86 one-and-two-bedroom units. The Pacific Heights Association's objections to issuance of the demolition permits were based on the following reasons:

"1) That the buildings at 2055 and 2065 Sacramento Street are architecturally significant and should remain as a part of San Francisco's heritage.
.2) That the area is under consideration for a further reduction in height and zoning. Further development of this area should be postponed until these issues have been resolved.
3) That the building proposed for this site will create an almost solid wall of high buildings on the southern side of Lafayette Park and thus destroy the corridor of vision from Lafayette Park to the Redevelopment Area at Geary Street which is now protected by existing construction.
4) That the proposed building increases the population of the 2000 block of Sacramento Street 123%; and will increase by at least 50% the population in the square block (#640).
5) That this increase in population will create an even more serious traffic congestion problem at rush hours than that which now exists over one of the most congested residential routes in the City: namely, Gough Street, and will further overload the almost non-existent parking around the Park.
6) That construction of a speculative building designed to minimum standards will encourage the influx into Pacific Heights of a single, transient population which will not be compatible with the stability of the neighborhood.
7) That the building design is of an institutional housing facility which is now considered outmoded for San Francisco residential construction."

Commissioner Fleishhacker asked if the legislation giving the Commission the power of discretionary review contained any guidelines to indicate circumstances under which use of the power would be appropriate. Robert Passmore, Planner V (Zoning), replied that the discretionary authority of the Commission is based on a City Attorney's opinion which refers to both the Charter and the City Planning Code; however, that opinion had contained no specific guidelines for use of the authority.

Commissioner Rueda stated that use of the authority to disapprove permits for new construction seemed to be valid; however, he questioned the authority of the Commission to use its discretionary powers to disapprove demolition permits.

The Director stated that it appeared that the Commission could exercise its discretionary authority to disapprove demolition permits.

Commissioner Fleishhacker asked if the Commission had ever used its discretionary authority to disapprove a demolition permit in the past. Mr. Passmore replied in the negative.

Commissioner Porter felt that use of the Commission's discretionary authority to disapprove demolition permits would constitute an extension of the Commission's authority beyond that which was originally intended unless the City were willing to reimburse property owners involved for any losses they might suffer as a result.

After further discussion it was moved by Commissioner Fleishhacker and seconded by Commissioner Porter that the request for discretionary review of the demolition permits be denied.

Commissioner Rueda suggested that the Commission should request an opinion from the City Attorney to determine whether the Commission's discretionary authority extends to demolition permits.

Commissioner Porter stated that she would not be in favor of exercising such authority even if the City Attorney were to respond in the affirmative.

Commissioner Farrell asked the Director for his recommendation on the matter. The Director recommended that the Commission deny the request for discretionary review of the demolition permits.

Commissioner Ritchie asked if the Landmarks Preservation Advisory Board had considered the two buildings involved. Mr. Steele replied in the affirmative and indicated that the Landmarks Preservation Advisory Board had decided that the buildings should not be designated as landmarks.

Mr. Hill, who was present in the audience, stated that additional events had transpired since the letter was written to the Commission. It now appeared that there may be a moratorium on FHA financing; and, if so, he hoped that action on the demolition permits could be delayed to give the Pacific Heights Association an opportunity to see if the buildings could be saved or moved. He stated that the Landmarks Preservation Advisory Board had declined to designate the house at 2055 Sacramento Street as a Landmark because it is a wood replica of an Italian villa rather than an original; however, the members of his association considered the building to be a unique copy of some significance. He advised the Commission that his association would also appeal the issuance of the building permit for the new development proposed for the subject site.

Commissioner Ritchie asked if the building at 2055 Sacramento Street is now owned by the people who wish to demolish it.

Leo Wou, the developer, stated that the building had been sold to another party who had agreed to sell it to him. He also advised the Commission that he had already obtained approval for FHA financing. While it might be possible to move the building to another site, a great deal of time would be required to work out the details for such a move. In conclusion, he stated that he did not feel that it would be reasonable of the Commission to honor Mr. Hill's request to delay action on the demolition permits.

When the question was called, the Commission voted 5 - 1 to deny the request for a discretionary review of the demolition permits. Commissioners Farrell, Fleishhacker, Newman, Porter, and Rueda voted "Aye"; Commissioner Ritchie voted "No".

Mr. Passmore presented and described detailed plans for the new Southern Pacific Terminal at Fourth and Townsend Streets, as follows:

"On August 12, 1971, the City Planning Commission voted unanimously that the Director of Planning be authorized to report that the proposal of the Southern Pacific to abandon the Fourth Street Overcrossing Project and to move the S.P. passenger station one block, as recommended by the Director of Public Works in his letter dated May 4, 1971, be approved as in conformity with the Master Plan subject to the following conditions:

"(1) Successful negotiations are worked out with appropriate city officials as to equitable payment by the railway of applicable costs.

"(2) The City Planning Commission shall review and approve detailed plans for the new Fourth and Townsend Station structure, to insure:

"(a) An attractive and inviting design;

"(b) Adequate facilities for loading and unloading of passengers for buses, taxis, and private autos, including a large loading plaza on Fourth Street, as well as off-street loading spaces on Townsend Street, and, if needed, on King Street, and provisions for protection from the weather of persons boarding trains and buses during winter storms.

"(3) The railroad give consideration to improvement of Peninsula train schedules to compensate for time losses to bus riders and walkers because of the new depot location, including greater frequency of trains in off peak periods and addition of more fast peak hour expresses during peak periods.

"This matter comes before you today to allow review of the detailed plans.

"The concerns of the Department of City Planning and the City Planning Commission behind the above conditions have been expressed in the staff memorandum on the referral (8/5/71) and in the minutes of the August 12, 1971, meeting with regard to the Commission's first condition concerning 'negotiations with appropriate city officials as to equitable payment by the railway of applicable costs.'

"In correspondence with city officials (on file) Southern Pacific indicated its intention to negotiate with the city on reimbursement to the City and State on expenses already incurred on the overcrossing project (engineering and property acquisition), and on the cost of relocating wires for trolley busses to reach the new site. (Southern Pacific is already committed to paying the cost of removing the fourteen passenger train tracks from Fourth Street - freight spurs would remain - and reconstructing Fourth Street to city standards.)

"Southern Pacific has met with officials of the Department of Public Works, particularly Mr. Levy, to determine costs and their allocation. These meetings have not yet resulted in definite conclusions, but staff believes that this matter will be concluded soon.

"The Referral Memorandum of August 5, 1971, conclude further that the new station 'should not result in significant reductions of S. P. Peninsula commute patronage, providing that (there is) protection of bus and train passengers from adverse weather conditions, and conveniences and amenities for the rail passenger equal to (or even a little better than) those now provided in the existing depot facility.'

"Concerning the Commission's condition that 'The railroad give consideration to improvement of Peninsula train schedules to compensate for time losses to bus riders and walkers because of the new depot location, including greater frequency of trains in off-peak periods, and addition of more fast peak-hour expresses during peak periods.' This matter was discussed with Mr. Kruttschnitt of Southern Pacific, but no commitments were made. Staff was left with the impression Southern Pacific is not inclined to respond positively to this request. Mr. Kruttschnitt was available to comment, but didn't.

"RECOMMENDATION: The recommendation is that the Director be authorized to approve building permit applications for the new Southern Pacific depot at Fourth and Townsend Streets in general conformity with those plans reviewed today, with the following conditions:

"1) That S. P. continue to negotiate with city officials as to equitable payment by the railway of applicable costs

"2) That appropriate treatment of bus loading areas be worked out with Municipal Railway officials and changes in the submitted plans be made accordingly if necessary."

Commissioner Fleishhacker noted that the proposed facility had previously been discussed by the Commission; and, at that time, the main point of controversy had centered upon whether covers would be provided over the passenger loading ramps. He asked if the present plans included covers for the ramps. Mr. Passmore replied in the affirmative.

Ted Kruttschnitt, representing the Southern Pacific Railroad, indicated that he was present to answer any questions which might be raised by members of the commission.

President Newman asked if passengers unloading from the rear sections of trains would have access to Townsend Street across other tracks. Mr. Kruttschnitt replied in the negative.

President Newman then inquired about Southern Pacific's plans for use of the property presently occupied by the old terminal building. Mr. Kruttschnitt replied that the old building would be demolished. However, he estimated it would be several years before the property is developed to its highest and best use.

Commissioner Ritchie, noting that Mr. Passmore had made reference to an agreement being worked out between the Southern Pacific Railroad and the City Engineer, inquired about the nature of the agreement. Mr. Kruttschnitt stated that Southern Pacific had agreed to reimburse the City for any expenditures already incurred in preparatory plans for the relocation of the Fourth Street terminal.

Commissioner Farrell asked if the Municipal Railway had raised any objection to the proposed plans. Mr. Passmore replied that the Municipal Railway had raised a question regarding the special bus lanes proposed in front of the building.

Mr. Kruttschnitt stated that Southern Pacific would be willing to provide special bus lanes, if the City wants them.

The Director recommended that he be authorized to approve the building permit application for the new Southern Pacific depot at Fourth and Townsend Streets in general conformity with the plans presently before the Commission subject to the following conditions:

1. That Southern Pacific continue to negotiate with City officials as to equitable payment by the Railway of applicable costs and

2. That appropriate treatment of bus loading areas be worked with Municipal Railway officials and changes in the submitted plans be made accordingly if necessary.

After further discussion it was moved by Commissioner Ritchie, seconded by Commissioner Fleishhacker, and carried unanimously that the Director be authorized to approve the building permit application for the new Southern Pacific depot subject to the conditions which had been recommended by the Director.

Commissioner Porter stated that she had attended a meeting of the Art Commission on Monday during which considerable criticism had been expressed regarding restoration of the South San Francisco Opera House. The Director stated that the Department of City Planning is in charge of funds for the restoration project; and he indicated that he would review the matter and report back to the Commission as soon as possible.

CONSIDERATION OF DEPARTMENTAL WORK PROGRAM AND BUDGET FOR FISCAL YEAR 1973-74.

Allan B. Jacobs, Director of Planning, presented and summarized the work program and budget for the next fiscal years. After discussion, it was moved by Commissioner Ritchie, seconded by Commissioner Porter and carried unanimously that both the work program and the budget be approved as submitted.

At 1:55 p.m. President Newman announced that meeting was recessed. The Commissioners then proceeded to Room 282, City Hall, where they were joined by Commissioner Mellon and reconvened at 2:05 p.m.

2:05 P.M. ZONING HEARING

CU 72.41 2700 VAN NESS AVENUE, EAST LINE, BETWEEN GREENWICH AND LOMBARD STREETS

REQUEST FOR AUTHORIZATION FOR AN AUTOMATIC CAR WASH IN A C-2 DISTRICT

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which has a frontage of 275 feet on Van Ness Avenue, a depth of 100 feet on Lombard Street, and a depth of 74 feet on Greenwich Street for a total area of 24,900 sq. ft. He stated that the property is currently occupied by a gas and oil service station on the northeast corner of Greenwich and Van Ness, and by a retail apparel store on the southeast corner of Lombard and Van Ness. The applicant proposed to demolish the existing facilities and to construct an exterior car wash with gasoline dispensing facilities on the site.

Jerry Taylor, representing Cloudburst Carwash, the applicant, stated that his firm already operates similar facilities in other Bay Area communities. He stated that plans for the project had been in the process of preparation for the last six months; and, during that time, consultations had been held with the staff of the Department of City Planning and with the Traffic Engineering Bureau of the Department of Public Works. The plans call for entrances on Van Ness Avenue and Lombard Street and for an exit onto Lombard Street. Patrons of the facility would remain in their cars at all times; and, because maximum stacking space would be provided on the site, he was confident that no traffic congestion would result from the proposed use. He stated that a similar facility had been approved by the Commission approximately 1 and 1/2 years ago for a site located at Geary Boulevard and Presidio Avenue. He indicated that sound variables in the subject area had been reviewed; and he felt that the proposed facility could meet the requirements of the City's noise ordinance. In fact, he remarked that existing sound in the area far exceeds the 70 decibel limit set by the City ordinance. In conclusion, he submitted photographs of facilities operated by his firm in other communities.

No one else was present to speak in favor of the subject application.

Kamini Gupta, 2237 Chestnut Street, inquired about the response of the Traffic Engineering Bureau of the Department of Public Works to the proposed plans. Mr. Steele replied that the plans had been reviewed by the Inter-departmental Staff Committee on Traffic and Transportation (ISCOTT). The members of that committee had expressed no serious objection to the plans from a traffic standpoint; however, they had felt that a better solution could be achieved.

Mr. Gupta then read and submitted a petition which had been signed by approximately 35 residents of the subject neighborhood in opposition to the proposed project. The petition read, in part, as follows:

"This installation is proposed to be located at the congested change of direction point of U. S. Highway 101 at Lombard Street and Van Ness Avenue, and is scheduled to operate seven days a week, year round, and obviously during the entire span of all busy traffic hours daily. This intersection is a veritable maze five days a week and even more so on Saturdays, Sundays and holidays. The estimate is for 100 cars hourly to pass through the system. That is supposed to mean that almost two cars per minute will be expected to be positioned; engaged in automatic tracking; passed through three to four washing processes involving high pressure steam jets, huge gear and lever operated cleaning rollers, hot air drying blasts, and supplemental drying techniques, all after having been gassed and serviced and billed at a multitude of gasoline dispensing islands.

"Obviously, the schedule is impossible to be maintained and there will at all times be a backup of many lanes of traffic entering and departing which will overload the adjacent residential streets in every direction, will cause confusion of the presently inadequate electrical signal traffic directional systems, and will make it almost impossible safely to use the already complex pedestrian crossing lanes at the two most confusing intersections of Greenwich and Van Ness Avenue, and Lombard and Van Ness Avenue. These factors alone should militate against the granting of such a permit.

"It is our urgent request to you firmly and promptly to deny this application. This kind of a traffic congestion producing, dust raising, fume originating, noise generating, heavy machinery operating business belongs in a heavy industrial district far away from complicated traffic centers and residential districts."

Subsequently, Mr. Gupta read and submitted a second petition which had been signed by operators of other service stations in the area objecting to the proposed facility for the following reasons:

"1. Installation of this type of operation would seriously impair the economic position of every service station on Lombard & Van Ness and also affect the present Full-Service Carwash on Lombard Street, by the Free Carwash program they have with gasoline tie-in.

"2. This location is on one of the busiest traffic corners in San Francisco, and one of the most dangerous. Bringing 400 to 600 additional cars into this already congested area would create complete chaos. Records will

show weekly and sometimes daily automobile collisions on this corner. Any additional traffic could intensify this problem. The Code for conditional use application specifically relates to traffic problems incurred by a car wash installation. Soon the new 11-story Quality Motel, at the corner of Van Ness & Lombard (west side) will be open to the public. This will add to the traffic problems by constant entering and exiting on these busy streets.

"3) Environmental problems would be created affecting the entire neighborhood, residential, motels, hotels and businesses. The dust created by existing traffic on Van Ness is very acute. The very nature of a car wash and the volume of cars it services, brings added exhaust fumes to the air and creates more dust problems. Also, filling underground storage tanks emits reactive hydrocarbons. The noise problem would be severe in this area, no matter how much soundproofing is used in construction. Residential areas are above this site and a ground level car wash would allow these sounds to go up to many nearby residences.

"4) Additional sewage problems could be caused by an automobile wash of the size for which application is being made."

In conclusion, Mr. Gupta stated that the type of installation being proposed would generate additional traffic from every direction; and he believed that the facility would be designed to attract customers from outside of the immediate neighborhood.

Arthur Connolly, 1450 Greenwich Street, stated that the subject neighborhood is basically a fairly high-class residential district which already has serious parking and traffic problems. He indicated that one apartment building located on Lombard street has no parking facilities of its own; and, as a result, perpendicular parking has been provided on the street, leaving only one lane for moving traffic. He felt that approval of the proposed project would create a disaster area and would downgrade the adjacent residential neighborhood.

The Secretary called attention to three letters which had been received from neighboring property owners in opposition to the subject application.

Allan B. Jacobs, Director of Planning, recommended that the subject application be disapproved for the following reasons:

1. IT WOULD BE LOCATED AT INTERSECTION OF TWO MAJOR THOROUGHFARES AND ON A MAJOR COMMUTE ROUTE.

2. THE CAR WASH WILL GENERATE ADDITIONAL TRAFFIC AND INCREASE THE TOTAL NUMBER OF POTENTIAL TRAFFIC CONFLICT SITUATIONS IN AN AREA ALREADY SERIOUSLY AFFECTED BY TRAFFIC CONGESTION.

3. THE CIRCULATION PLAN FOR THE PROPOSED CAR WASH WOULD HAVE AN ENTRANCE ON GREENWICH STREET AND AN ENTRANCE AND EXIT ON LOMBARD STREET, BOTH RESIDENTIAL STREETS, WHERE THE RESIDENTS HAVE IN THE PAST EXPRESSED CONCERN ABOUT TRAFFIC.

4. THE SUBSTANTIAL AMOUNT OF ADDITIONAL TRAFFIC ON THESE STREETS GENERATED BY A CAR WASH WOULD FURTHER AFFECT THE LIVABILITY OF RESIDENTIAL PROPERTIES ON THESE STREETS AND THUS THE STABILITY OF THIS RESIDENTIAL AREA.

5. THE CAR WASH WOULD GENERATE NOISE WHICH COULD BE DETRIMENTAL TO ABUTTING AND NEARBY RESIDENTIAL USES.

6. THE NORMAL HOURS OF OPERATION FOR CAR WASHES EXTEND INTO THE EVENING HOURS WHEN RESIDENTS WOULD EXPECT TRAFFIC CONGESTION TO DECREASE AND A DEGREE OF SERENITY IN THIS RESIDENTIAL NEIGHBORHOOD; AND

7. THE AREA RESIDENTS HAVE STRONGLY OPPOSED THE CAR WASH AS A GENERATOR OF TRAFFIC AND NOISE IN THEIR AREA AND THE APPLICANT HAS DEMONSTRATED NO OVERRIDING PUBLIC BENEFIT TO BE GAINED FROM LOCATING A CAR WASH ON THE SUBJECT PROPERTY.

Mr. Taylor called on Rick Norman, representative of an architectural and engineering firm which had been involved in preparation of plans for the proposed project. Mr. Norman stated that the proposed facility would not place any greater burden on sewage facilities than the uses which presently occupy the subject site; and he indicated that he was confident that the noise which would be generated by the facility would not exceed the 70 decibel limit established by the City's noise ordinance. With regard to the issue of traffic, he remarked that the site presently has five driveways on Van Ness Avenue; and, of the two driveways which would remain on that street, one would be used only during non-peak hours. The car wash would have a capacity of 100 cars per hour; and, as a result, he believed that customer traffic would not back up into adjacent streets. He stated that the Traffic Engineering Bureau of the Department of Public Works had reported that no more than 1300 cars use the subject block of Lombard Street during a 24 hour period; and he remarked that that amount of traffic is relatively light. He stated that the proposed facility would draw customers principally from the existing traffic count in the area. With regard to the issue of fumes, he noted that the Bay Area Pollution Control Board had just established new requirements for service stations; and he indicated that the proposed facility would install the latest equipment.

Commissioner Fleishhacker asked if other facilities constructed by the applicant in other communities have been located adjacent to residential properties. When Mr. Norman replied in the affirmative, Commissioner Fleishhacker asked if any complaints had been received regarding those facilities. Mr. Norman replied in the negative.

Commissioner Porter inquired about the hours of operation being proposed for the new car wash. Mr. Taylor replied that no formal decision had been made regarding the hours of operation. He presumed that the facility might be open until 8:00 p.m.; however, they would be willing to cooperate if the Commission wished to establish an earlier closing hour.

Commissioner Farrell, noting that a car wash would be offered free with purchase of gasoline, asked if people would also be able to pay for a car wash without purchasing gasoline. He also asked if repair work would be done on the site. Mr. Norman replied that his firm does not usually advertise or encourage use of its car washes without purchase of gasoline. He stated that no repair work would be performed on the site.

Commissioner Fleishhacker remarked that the City Planning Commission had given conditional use approval for a number of similar car wash facilities; however, he did not recall that any of those facilities had been located adjacent to a residential district.

President Newman noted that plans for the proposed project had been submitted to the staff of the Department of City planning quite some time ago; and he wondered if any changes had been made in the plans since the date of their original submission. Mr. Steele replied in the negative.

Sherman Leland, representing the owner of the subject property, stated that the property is zoned C-2 and is presently developed with a gasoline service station; and, if the subject application were to be disapproved by the Commission, he wondered what the property could be used for in the future.

Commissioner Porter asked if the staff would have recommended approval of the application if the applicant had modified his plans as suggested by the staff of the Department of City Planning. Mr. Steele replied that the staff suggestions for plan changes had been made only to mitigate some of the very negative effects of the proposed project; and he indicated that no decision had been reached as to whether the application would have been recommended for approval if the plans had been changed.

The Director stated that the staff had tended to be opposed to the proposed development.

Mr. Taylor stated that the staff of the Department of City Planning had stressed the importance of installing landscaping on the site; and he had indicated that he would be willing to follow almost any suggestion made by the staff in that regard. The staff had also proposed that only one entrance to

the site be provided on Lombard and that the exit be on Greenwich Street; but he felt that the layout indicated in his plans was better.

Commissioner Fleishhacker moved that the subject application be disapproved. He stated that he did not feel that a car wash on the subject site would necessarily be inappropriate; however, the proposed facility would be extremely large and would be located in a very sensitive area. He also felt that the car wash would be located much closer to adjacent residential buildings than was indicated in the rendering which had been displayed by the applicant. With regard to the question raised by the owner of the property, he pointed out that the property is zoned C-2; and, as a result, the property could be developed with any principal uses permitted in C-2 districts without specific authorization by the Commission.

The motion was seconded by Commissioner Rueda.

When the question was called, the Commission voted 6-1 to adopt Resolution No. 6945 and to disapprove the subject application.

CU 72.49 390-396 FIFTH AVENUE AND 4040-4050 GEARY BOULEVARD, NORTHEAST CORNER OF GEARY BOULEVARD AND FIFTH AVENUE.

REQUEST FOR AUTHORIZATION FOR AN AUTOMATIC EXTERIOR CAR WASH FACILITY WITH GAS PUMPING FACILITIES; IN A C-2 DISTRICT.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which is a rectangular parcel with frontages of 100 feet on Fifth Avenue and 157 feet on Geary Boulevard for a total area of 15,700 sq. ft. The property is presently occupied by a 4 unit apartment building, a commercial building with two offices, and a used car sales lot. The applicant proposed to demolish the existing structures and to construct and operate an automobile wash with gasoline dispensing facilities on the site.

Ivan Eagleton, representing the Bubble Machine, stated that the subject site had been under consideration by his firm for a considerable period of time; and he indicated that it appeared to be the best location in the area for a car wash, especially since the existing buildings are old and there has been little new development in the vicinity. He stated that one entrance and one 'escape' exit would be located on the Geary Boulevard frontage of the site; and an exit from the car wash itself would be located on Fifth Avenue. He believed that no increase in traffic on Geary Boulevard would result from the proposed operation; and he remarked that Fifth Avenue carries only a minor amount of traffic since the principal thoroughfare through the area is Sixty Avenue. Since left turns are not permitted from Geary Boulevard into Fifth Avenue, he did not feel that the proposed facility would cause any traffic congestion. As indicated by the previous applicant, service station operations must conform to new laws which have been enacted by the Bay Area Pollution Control District. He stated that his company operates 24 other car wash facilities. Since only

three of the dwelling units in the existing apartment building are occupied, no serious housing relocation problems would be encountered. Visual pollution would be kept at a minimum on the site; and he did not feel that the facility would cause any sewage problems. He stated that no services other than sale of gasoline and free car washes would be offered on the site; and he believed that the site would be adequate in size for the facility being proposed. The car wash can handle 80 cars an hour; and, based on experience with similar facilities in other communities, he did not believe that vehicles would ever back up into adjacent streets. He also indicated that he felt that the Richmond district would be an excellent location for a free car wash facility.

Commissioner Fleishhacker, noting that the applicant had stated that only three dwelling units in the existing apartment are occupied, inquired about the total number of units in the building. Mr. Eagleton replied that the building contains seven dwelling units.

No one else was present to speak in favor of or in opposition to the subject application.

The Secretary called attention to a petition which had been received expressing the opposition of residents of Fifth Avenue to the proposed project.

Allan B. Jacobs, Director of Planning, recommended that the application be disapproved for the following reasons:

1. THE CAR WASH WILL GENERATE ADDITIONAL TRAFFIC IN AN AREA ALREADY SERIOUSLY AFFECTED BY TRAFFIC CONGESTION AND COULD IMPACT THE AREA AROUND THE FRENCH HOSPITAL MEDICAL CENTER.

2. AN ENTRANCE AND THE ONLY EXIT ARE LOCATED ON A RESIDENTIAL STREET.

3. FIFTH AVENUE IS A RESIDENTIAL STREET. COMMERCIAL ACTIVITY AND TRAFFIC IS ON GEARY BOULEVARD AND CLEMENT STREET.

4. ADDITIONAL TRAFFIC ON THE STREET GENERATED BY THE PROPOSED CAR WASH WOULD AFFECT THE LIVABILITY OF RESIDENTIAL PROPERTIES ON THE STREET AND THUS THE STABILITY OF THIS RESIDENTIAL AREA.

5. A CAR WASH IS A NOISE GENERATOR WHICH COULD BE DETRIMENTAL TO ABUTTING AND NEARBY RESIDENTIAL PROPERTIES.

6. EVENING HOURS OF OPERATION WOULD INTERRUPT THE MODICUM OF QUIET WHICH OCCURS DURING THIS PORTION OF THE DAY IN THIS NEIGHBORHOOD SHOPPING AREA.

7. THE RESIDENCE ELEMENT OF THE MASTER PLAN EMPHASIZES THE NEED FOR RETAINING SOUND HOUSING IN THE CITY. THE PROPOSED PROJECT WOULD ELIMINATE 4 DWELLING UNITS.

8. RESIDENTS HAVE INDICATED OPPOSITION BASED ON TRAFFIC AND NOISE. (PETITION).

9. THE APPLICANT HAS NOT DEMONSTRATED ANY PUBLIC BENEFIT WHICH MIGHT ACCRUE FROM THE PROPOSED USE IN THIS LOCATION.

Mr. Eagleton stated that he had met with representatives of the San Francisco Planning and Urban Renewal Association (SPUR) and the Planning Area for the Richmond (PAR); and, as a result, he had decided to sponsor a tree planting program on Fifth Avenue to improve the appearance of the street. With regard to the issue of noise, he advised the Commission that a 90 foot conveyor belt had originally been proposed; however, the project had later been redesigned so that it would use only a 70 foot conveyor belt. In addition, the site had been studied by an acoustical engineer who had informed him that the proposed facility could conform to the City's noise ordinance. While French Hospital is located diagonally across the intersection from the subject site, many of the other properties in the area are developed with automobile oriented uses. He estimated that the proposed facility would have a maximum usefulness of only 15 years; and he did not feel that substantial new development would occur in the neighborhood during that period of time. He stated that he drives on Geary Boulevard every day; and he did not believe that the proposed facility would result in any increase in traffic congestion on Geary Boulevard or on Fifth Avenue. In fact, the facility would decrease traffic in the area to the extent that it would provide local service for people who presently have to drive to Divisadero Street or to downtown San Francisco to have their automobiles washed. He emphasized that no automatic car washes presently exist west of Divisadero Street or north of the County line; and, as a result, he felt that it was obvious that the proposed facility would benefit residents of the Richmond District.

After further discussion it was moved by Commissioner Rueda, seconded by Commissioner Porter, and carried unanimously that Resolution No. 6946 be adopted and that the subject application be disapproved.

PUBLIC HEARING ON ENVIRONMENTAL IMPACT REPORT FOR GOLDEN GATEWAY CENTER PHASE III, ALL OF ASSESSOR'S BLOCK 167, 168, 169, 170, AND 171 AND PORTIONS OF PACIFIC AVENUE; BOUNDED ON THE NORTH BY BROADWAY, ON THE EAST BY THE EMBARCADERO FREEWAY, ON THE SOUTH BY JACKSON STREET, AND ON THE WEST BY FRONT STREET; PROPOSED 1299 DWELLING UNITS IN LOW-RISE AND HIGH-RISE BUILDINGS WITH ACCESSORY COMMERCIAL, RECREATIONAL, AND OFF-STREET PARKING SPACE.

(UNDER ADVISEMENT FROM MEETING OF DECEMBER 14, 1972)

President Newman stated that Commissioner Fleishhacker had disqualified himself from participating in the hearing of this matter because of a possible conflict of interest.

The Commission received and responded to comments made by members of the audience. After discussion, it was moved by Commissioner Mellon, seconded by Commissioner Porter, and carried unanimously that Resolution No. 6947 be adopted with the following resolves:

"That the City Planning Commission determines that the Environmental Impact Report dated November 14, 1972, with additions formally submitted to the Commission on January 4, 1973, is an accurate and thorough description of the effect on the environment that will result from the construction of Phase III of the Golden Gateway Center as outlined in said report, and that said report discusses all of the elements required for an EIR under the California Environmental Quality Act;

"BE IT FURTHER RESOLVED, That the City Planning Commission determines that said project will have a significant effect on the environment, and that the blockage of existing views and the reduction of the space between the high-rise buildings in the downtown area and low-rise residential buildings on Telegraph Hill that will result from the project are significant adverse environmental effects;

"AND BE IT FURTHER RESOLVED, That the City Planning Commission requests that the Redevelopment Agency take whatever steps possible to modify the present proposal in a manner mitigating the above-described adverse effects of the project."

A standard tape cassette recording of the proceedings is available in the offices of the Department of City Planning for public listening or transcription.

At 3:30 p.m. President Newman announced a 10 minute recess. The Commission reconvened at 3:40 p.m. and proceeded with hearing of the remainder of the agenda.

CU 72.61 1078 HAMPSHIRE STREET, WEST LINE, 95 FEET NORTH OF TWENTY-THIRD STREET.

REQUEST FOR AUTHORIZATION FOR A PRE-SCHOOL PROGRAM NURSERY SCHOOL FOR 30 CHILDREN; IN AN R-3 DISTRICT.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which is a rectangular interior lot with a frontage of 50 feet on Hampshire Street and a depth of 100 feet for a total lot area of 5,000 sq. ft. The property is presently developed with a structure which is being used for storage. The applicant, Companeros del Barrio Inc., proposed to renovate and convert the existing structure for use as a child care center. In addition, a ground floor and a mezzanine addition with a total area of approximately 750 sq. ft. were being proposed at the rear of the existing building. The child care center

would be operated for children from families on welfare. The maximum number of children to be enrolled in each four-hour session would be 30; and two sessions would be held daily, Monday through Friday, from September through June. If additional funds could be obtained by the applicant, a summer session might be held, also. Mr. Steele stated that the single-family residence which occupies the northern portion of the lot would remain in its present use. In conclusion, Mr. Steele stated that he had considered a variance application which had requested a less than 10% deviation from the City Planning Code requirement for outdoor play area; and he indicated that he had approved the variance contingent upon arrival of the subject application by the City Planning Commission.

Al Salmondo, attorney for the applicant, stated that there are not very many sites available in the Mission District which have outdoor play areas large enough to serve the needs of a child care center; and he indicated that the subject site is the best property which the applicants had been able to locate thus far. He believed that the proposed use of the property would have no detrimental effect whatsoever on the neighborhood; in fact, the use would have a beneficial effect since the existing structure would have to be rehabilitated. If other suitable sites can be found in the neighborhood, enrollment in each of the sessions at the proposed facility would be reduced to 15 children; and the addition proposed for the rear of the building would not have to be constructed. Since most of the parents will be on welfare and will not have automobiles, the facility will have no impact on off-street parking in the vicinity. Furthermore, most of the children will live in the immediate area. In conclusion, he stated that one teacher and one teaching assistant would be available for each 15 children enrolled in the facility.

Mike Murray, representing Assemblyman John Burton's office, stated that they had been working closely with the applicants; and he indicated that they were strongly in support of the applicant's proposal.

No one else was present to speak in favor of or in opposition to the subject application.

Mr. Steele recommended that the application be approved subject to four specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

President Newman asked if the conditions which had been recommended by Mr. Steele would be acceptable to the applicants. Mr. Salmondo replied in the affirmative.

After further discussion it was moved by Commissioner Porter, seconded by Commissioner Rueda, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 6948 and that the application be approved subject to the conditions which had been recommended by Mr. Steele.

CU72.62 - 1452 - 54 WALLER STREET, NORTH LINE, 195 FEET EAST OF CLAYTON STREET. REQUEST FOR AUTHORIZATION TO INCREASE THE OCCUPANCY OF EXISTING RESIDENTIAL CARE HOME FROM 6 TO 12 PEOPLE: IN AN R-3 DISTRICT.

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which is a rectangular interior lot with a frontage of 25 feet on Waller Street and a depth of 137.6 feet for a total area of 3,440 square feet. He stated that the existing 2 story building is currently a rest home accommodating 6 or less persons. The property was formerly used for apartments. The applicant had requested permission to increase the occupancy of the existing residental care home from 6 to 12 persons.

Robert F. Dawson, the applicant, stated that he has sufficient indoor and outdoor space to accommodate six additional persons in the existing residential care home. While no major reconstruction was being contemplated, he did intend to bring the building up to code standards.

President Newman asked how many people would be allocated to a room if the application were to be approved. Mr. Dawson replied that he presently has six vacant rooms in the building; and he indicated that no room would be shared by more than 2 people.

Commissioner Porter asked if the applicant is licensed by the State. Mr. Dawson replied that he is in the process of obtaining a license from the Department of Mental Hygiene.

No one else was present to speak in favor of or in opposition to the subject application.

Mr. Steele recommended that the application be approved subject to five specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission. After summarizing and commenting upon the conditions, he recommended that the draft resolution be adopted.

President Newman asked if the conditions which had been recommended by Mr. Steele would be acceptable to the applicant. Mr. Dawson replied in the affirmative.

After further discussion it was moved by Commissioner Porter, seconded by Commissioner Mellon, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 6949 and that the application be approved subject to the conditions which had been recommended by Mr. Steele.

DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 409997 FOR APARTMENT HOUSE TO BE LOCATED AT 1330 CLAY STREET, NORTHWEST CORNER OF PRIEST STREET.
(UNDER ADVISEMENT FROM MEETING OF DECEMBER 14, 1972)

Robert Passmore, Planner V (Zoning), noted that this matter had previously been considered by the Commission during its meeting on December 14, 1972. At that time, the staff of the Department of City Planning had indicated that the proposed project was acceptable in terms of the number of units being proposed and in terms of the height of the structure. However, the staff had questioned the appropriateness of the garage structure at the base of the building as well as the sufficiency of the off-street parking being proposed. The staff had recommended that the height of the garage be lowered to 10 feet above the natural grade at the northwest corner of the site; and, in addition, it had recommended that the Clay Street facade of the garage structure be modified so that it would be more compatible with the other buildings in the area. To make the garage more compatible the staff had suggested that the garage might be faced with residential units, that it might be set back approximately 10 feet further on the site, or that it might be extensively articulated in a way which would harmonize with other buildings in the vicinity. Subsequently, the staff had recommended that the matter be taken under advisement until the present meeting to provide an opportunity for the applicant and his architect to consider the suggestions which had been offered. In taking the matter under advisement the Commission had also contemplated that persons opposed to the project might have time to negotiate purchase of the subject site from the applicant. During the interim, the staff had been in contact with the applicant a number of times; and, earlier in the day, revised plans had been submitted. In the revised plans, the height of the garage had been lowered one floor by additional excavation for the garage structure and would provide 118 off-street parking spaces. The structure had not been moved further back on the site because such a change would require a variance from the Building Code by the Board of Examiners, in addition to a rear yard variance from the City Planning Code, and the intervening time period had been insufficient to allow the hearings required for such code modifications. While he could not be sure that it would be feasible to move the structure further back on the site, the fact that the applicant owns air rights over adjacent property would constitute a reason for considering variances from the Building Code and the City Planning Code. The revised plans had indicated some articulation for the Clay Street facade of the building. In addition, the revised plans had lowered the northwest corner of the garage by 10 feet, bringing the height of the structure at that point to 10 feet above the natural grade. It appeared that it would be possible to decrease that portion of the building further; and, in addition, it might be feasible to lower the southwest corner of the garage structure by 10 feet, also. The revised plans continued to call for 102 dwelling units. While the earlier plans had indicated no off-street loading space, the revised plans did include an off-street loading space on a second driveway which would be located on the west side of the property.

Commissioner Fleishhacker, stating that he realized that further revisions might be possible, asked if the changes which had already been made were acceptable to the staff of the Department of City Planning.

Allan B. Jacobs, Director of Planning, stated that the staff remained in a slightly indeterminate state with regard to the revised plans. From the point of view of the staff, the most desirable thing would be for the building to be set 8 feet further back on the site, for the applicant to consider the further changes in the garage structure which had just been mentioned by Mr. Passmore, and for the applicant to follow through on his agreement to preserve or replace trees in the adjacent Reed and Priest Street areas, and to consult with the staff regarding the choice of building materials. Under such circumstances, the staff would be prepared to recommend approval of the application. If the Board of Examiners would not approve the proposal to move the building further back on the site, the project would still be acceptable to the staff providing that the other concerns which he had mentioned were met. He indicated that he had spoken on the issues of traffic and density during the last hearing; and he repeated that neither issue was of serious concern to the staff. In conclusion, he stated that he realized that some members of the Commission might feel that his recommendations were not relevant to their concerns.

Marshall Cornblum, the applicant, stated that he had endeavored to meet the subjective criteria of the staff and had, in fact, reduced the height of the building by one floor, thus adding substantially to the cost of the project. He also indicated that he would do whatever is necessary to obtain permission to set the building further back on the site; however, if he should be unsuccessful in his efforts, he did not know what else he would be able to do.

Commissioner Ritchie noted that he had talked of various values during the meeting of December 14 and had indicated that he could not favor construction of a building of the size proposed on the subject property. He had hoped that the applicant would meet with residents of the Comstock Apartments during the interim to discuss the possibility of a community purchase of the property.

Mr. Cornblum stated that he had received a letter from the attorney for the Comstock Corporation inquiring about the price which he would set on the property; and he had responded that the asking price would be $1,100,000. He had received no further communication except for a copy of a letter sent by Mr. Kahn to President Newman requesting that the hearing calendared for January 4 be postponed until January 18.

Ronald Kahn, attorney for the Comstock Corporation, confirmed that he had sent a letter to Mr. Cornblum; however, in addition to inquiring about the asking price for the property, he had also requested evidence of land acquisition cost and all other out of pocket expenses so that he could properly evaluate the price being asked. The letter which he had received had enumerated various expenditures including $750,000 for land and $281,500 for architectural and engineering fees, $11,500 for interest and $57,000 for time and overhead, totaling $1,100,000.

However, since no evidence was offered to prove that the expenditures had actually been made, he had considered the letter to be nothing more than a "slap in the face"; and he did not know how anyone could expect people to offer $1,100,000 for a piece of property on the basis of that "piece of paper". His clients would have been willing to consider purchase of the property for $750,000; but the asking price of $1,100,00 was too unrealistic. Therefore, no further negotiations had ensued.

President Newman asked Mr. Kahn if his clients had enough money to purchase the property. Mr. Kahn replied in the negative and indicated that they could not be expected to purchase the property without receiving evidence of expenditures which had actually been made by the applicant. He also remarked that his clients had not had an opportunity to study the revised plans which had just been submitted to the Department of City Planning; and, as a result, he requested that the hearing be postponed.

Through a series of questions, Commissioner Fleishhacker determined that Mr. Kahn had received his reply from Mr. Cornblum on December 22 and had not made any effort to contact Mr. Cornblum since that date. He then stated that he did not feel that Mr. Kahn had made an effort to bargain in good faith. He remarked that negotiations usually commence once the prospective seller has mentioned an asking price.

Mr. Kahn stated that he had interpreted Mr. Cornblum's response as a final offer and had seen no purpose in further negotiations.

Commissioner Porter stated that she felt that the most important thing was to prevent the construction of a building which would ruin the dwelling units of the west side of the Comstock, which would have undesirable dwelling units on its own eastern side, and which would be detrimental to the City of San Francisco; and since she believed that any development on the subject property would be disadvantageous to the Comstock, she felt that every effort should be made by the owners of that building to acquire the subject property. Furthermore, out of consideration for the best interests of the City of San Francisco, she suggested to Mr. Cornblum that it would seem entirely reasonable for him to produce evidence of expenses which he had incurred to the Board of Directors of the Comstock Apartments.

Commissioner Rueda stated that he could not understand why Mr. Kahn had refused to pursue negotiations after receiving the initial letter from Mr.Cornblum. It seemed to him that Mr. Kahn should have returned to Mr. Cornblum with alternate proposals, including the possibility of purchasing air rights over the subject property so that the applicant would be able to recoup some of his expenses.

Mr. Kahn remarked that Mr. Jacobs, a resident of the Comstock apartment, had stated during the meeting of December 14 that he and his neighbors should not be "blackmailed" for $1,000,000. The asking price for the property had now risen to $1,100,000; and he indicated that he could not raise that much money unless he could show his clients evidence that the applicant had actually incurred such obligations.

President Newman felt that the applicant had been more than fair to even consider selling the property to residents of the Comstock; and he indicated that it was difficult for him to understand why Mr. Kahn had not kept the negotiations open.

Mr. Kahn stated that he had felt that it would be futile to pursue the negotiations further; and he pointed out that the Commission had refused his request for a postponement of the present hearing until January 18 so that he would have an opportunity to talk with residents of the Comstock who were out of town over the holidays.

Commissioner Ritchie agreed with the other Commissioners who were disappointed that Mr. Kahn had failed to negotiate with the applicant. He also pointed out that while the applicant had not offered evidence of expenses which he had incurred, he had offered an itemized list of his expenditures, including a $750,000 cost for the land. He asked Mr. Kahn if he had felt that it would not be feasible to raise the money for purchase of the property.

Mr. Kahn replied that there are many ways to raise money to purchase property, one of which would involve preparation of plans for another type of development on the site. If the property could be acquired for $750,000, it might be possible to develop it with townhouses; but he felt that the applicant's asking price of $1,100,000 would make such an approach infeasible.

Commissioner Ritchie commented that the applicant should be entitled to recover the basic expenditures which he has made in addition to the $750,000 which he paid for the property.

Mr. Kahn stated that he would like to be afforded the dignity of seeing the original contracts before being expected to raise money for the purchase. After Commissioner Ritchie had remarked that a person selling property does not necessarily have to produce documents of that sort, Mr. Kahn stated that rather exceptional circumstances are involved in the present case.

President Newman asked Mr. Kahn what his position might be if it were to be assumed that the applicant would be willing to supply the documents which had been requested. Mr. Kahn replied that he would either accept or reject the figures. If he were to accept them as being legitimate, he would have a basis on which to make a recommendation to the Board of Directors of the Comstock Apartments regarding purchase of the property. With regard to other issues, he stated that photographs had been taken last week of the Clay-Jones area which illustrated the extreme narrowness of Clay Street and the traffic congestion which already exists in the area. The matter of view protection is one of the many factors which the Commission can use to grant or deny a building permit application; and he felt that it was obvious that the matter of views was quite important in the present case. He informed the Commission that the Board of Directors of the Comstock Apartments had retained Kennard Oliphant to prepare a report for them on the subject of water pressure; and he indicated that the conclusion of the report was that construction of the building may result in

serious reduction of water pressure on the upper floors of the Comstock Apartment building. The report had also stated that the problem stems from the City's water pressure level and not from the internal pump in the Comstock Apartments which is not inadequate. He submitted a copy of the report to the Commission.

James W. Halley, representing a resident of the Comstock Apartments, regarded the Commission's discretionary review authority as its "escape hatch" to prevent unusual circumstances, such as the construction of two high-rise buildings only 58 feet apart, from occurring. He remarked that high rise condominiums have not flourished in San Francisco to the extent that they have flourished elsewhere in the state; and, if investments in existing condominium are endangered by loss of views, he expected that even less high rise condominium construction would occur in the City in the future. In view of the narrowness of Clay Street, and in view of the close proximity in which the two buildings would exist, he felt that the Commission should give serious consideration to disapproval of the subject application.

Commissioner Fleishhacker asked Mr. Halley if he would recommend that the Commission adopt a policy of using its discretionary authority to disapprove all permit applications for all buildings which would be located only 58 feet from other buildings. Mr. Halley replied in the negative and stated that he believed that the essence of the Commission's discretionary review authority is its ability to deal with extraordinary situations one at a time.

Commissioner Fleishhacker asked Mr. Halley to explain the extraordinary situation involved in the present case. Mr. Halley felt that the extraordinary situation related to the fact that the two buildings would be located only 58 feet apart existing traffic congestion in the area, lack of water pressure, access problems, and the impact of the proposed development.

Commissioner Fleishhacker assumed that Mr. Halley was concerned about the fact that the buildings would be located only 58 feet apart because of the effect of the views presently enjoyed from the Comstock Apartments; and he wondered if that concern would be satisfied if the buildings were to be located 59 feet apart rather than 58 feet apart. Through subsequent questions, he determined that the Comstock Apartment building itself is located only 68 feet from buildings on the other side of Jones Street.

Mr. Halley stated that he was certain that the Commission would be concerned if a new building were to be located only 1 foot away from the Comstock; and he felt that a building located only 58 feet away would similarly diminish the value and style of the Comstock Apartments, the attitudes of its residents and the quality of San Francisco. In his opinion, the Richmond and Sunset Districts had been ruined by the decision to allow buildings to be constructed immediately adjacent to one another; and he felt that the Commission, in its consideration of the subject application, was being presented with an opportunity to have a City with style instead of a City of the quality of the Sunset and Richmond districts.

Commissioner Rueda asked Mr. Halley if he felt that nothing should be constructed on the subject property. Mr. Halley replied in the negative and indicated that he believed that a project more conventional than the one being proposed would probably be feasible on the site.

President Newman remarked that the building being proposed is allowed by the existing zoning of the site; and he pointed out that the zoning of the property should have been changed if people were opposed to the type of construction permitted.

Commissioner Porter stated that use of the Commission's power of discretionary review, which involves disregard for existing zoning patterns, is nothing new. While she would have preferred that the Comstock Apartment buildings, which was a "block-buster", had never been built, she pointed out that it does exist. Given that fact, she felt that it would be wrong to permit a 23-story building to be constructed adjacent to it on one of the narrowest streets in San Francisco. She stated that the proposed building would destroy views presently enjoyed by 50 dwelling units in the Comstock; and she felt that it was inconceivable that the applicant would be able to sell condominium units in the new building which would look into the windows of the Comstock.

Rosemary Valley, a resident of the Comstock Apartments, stated that the view from her apartment would not be impaired as much as views from other apartments. She pointed out that the Comstock Tower is set-back from the property line on all four sides; and she felt that other developers should be willing to provide similar set-backs. She also emphasized that the Comstock Apartment Building already exists; and, as a result, she felt that it should be protected.

Terry Covert, Chairman of Concerned Citizens of Nob Hill, felt that the issues which would affect the quality of life of people living in other buildings in the area were more important than the issue of view blockage. He remarked that four months would be required for excavation of the site; and he pointed out that the big trucks which would be involved in that operation would be noisy and would conflict with buses in the area. He also remarked that on-street parking is not available in the neighborhood at the present time; and the proposed building would make that situation worse. He felt that the Commission should base its decision on good urban design principals; and, in his opinion, the proposed building would be in conflict with many of the principals stated in the Urban Design Plan, including the principle that new buildings should be responsive to human needs and the principle that new construction should be sympathetic to the scale and form of existing development. He stated that neighborhood quality is of overriding importance to the individual; and he remarked that the Urban Design Plan had emphasized that the presence of open space and recreational facilities contributes to the quality of a neighborhood.

Commissioner Fleishhacker pointed out that the existing open space provided by the subject property would be destroyed by the construction of any building whatsoever.

Mr. Covert acknowledged that fact but indicated that the effect of a more conventional development would be less severe. For instance, a building with considerably less bulk could be constructed on the site without destroying trees and with less neighborhood disruption.

Albert Jacobs, a resident of the Comstock Apartments, in an effort to explain why the Board of Directors of the Comstock Corporation had not responded to Mr. Cornblum's letter, pointed out that Mr. Cornblum had claimed that $281,500 had been spent in architectural and engineering fees in spite of the fact that not a single shovelful of earth had been moved on the site; and he did not believe that anyone in his right mind would give serious consideration to an offer based on claims of that sort. Furthermore, he pointed out that Mr. Cornblum does not yet hold title to the subject property; and, as a result, the owner of the property would not have been involved in the negotiations. He remarked that he had submitted a map to the Commission on December 14 to illustrate the narrowness of streets in the area; and, because of the narrowness of the streets, he felt that setbacks, such as the 56 foot setback which the Comstock provides on all sides, are extremely important. The number of units in the proposed building would be approximately 80 percent of the number of units in the Comstock; and, if the proposed building were to provide setbacks proportional to those provided by the Comstock, setbacks of approximately 40 feet would be required on all four sides. While he realized that such setbacks would not be possible, he did not feel that an 18 foot setback would be sufficient; and he believed that a greater amount of setback should be considered. He stated that the subject neighborhood is one of the few areas of the city in which two consecutive streets carry one-way east-bound traffic; and, as a result, local traffic in the area is extremely congested. He stated that he had met with the Director of Planning on December 19 and had been advised that he would be notified when revised plans for the proposed building were received by the Department of City Planning; however, since the revised plans had not been received until earlier in the day, he had not had an opportunity to review them. Under the circumstances, he requested that action by the Commission be postponed for at least two weeks to provide residents of the neighborhood an opportunity for adequate review of the revised plans.

Commissioner Rueda felt that it should be obvious to Mr. Jacobs that it would not be possible for the applicant to scale down the plans to a point where he would find them acceptable. He also remarked that he had recently driven by the site and had noted that a "For Sale" sign was posted; and he wondered how long the sign had been there. When Mr. Jacobs replied that the sign had been posted for one or two years, Commissioner Rueda expressed concern about the fact that the residents of the Comstock Apartments had never made an attempt to purchase the property during that time.

Virginia Howard, a resident of property with a patio at the end of Reed Street, stated that she and her husband had chosen to live there because of the quality of the neighborhood; and she stated that they would leave the neighborhood whenever the quality of the area deteriorates. She believed that residential construction has already reached a saturation point on Nob Hill without anything being built on the subject lot; and, as a case in point, she advised the Commission

that an apartment building constructed on Nob Hill two years ago is still only 40 percent occupied. She also felt that some open space should be retained in the neighborhood.

Edison Fong, a student at Galileo High School, noted that he was the only Oriental person present in the audience in spite of the fact that many Oriental people with children live in the subject neighborhood. Children need a place to play; and he was concerned about where his children would play if all of the open space on Nob Hill is developed. While he realized that the City will not purchase vacant properties on the hill for open space, he still felt that owners of property should not be permitted to do whatever they want. While our society is supposed to be a democracy, in reality it is designed for the benefit of the rich.

When asked by Commissioner Fleishhacker where he lives, Mr. Fong replied that he lived near the intersection of Broadway and Leavenworth Streets.

Commissioner Ritchie remarked that the majority of properties in the subject neighborhood are purchased by Chinese people; and, as a result, he felt that it was obvious that they must have money, also. He also observed that any children playing on the subject property would be likely to break their necks.

Mr. Fong replied that mini-parks have been constructed in other areas of the City; and he did not understand why similar facilities could not be provided in the subject neighborhood.

Stewart Bloom, representing the San Francisco Loyal Opposition, remarked that the Commission, under its discretionary review power, has the authority to reject a building permit application for any reasons which it might feel to be appropriate; and he pointed out that Section 101 of the City Planning Code, which addresses itself to the purposes of the code, reads as follows:

"This City Planning Code is adopted to promote and protect the public health, safety, peace, morals, comfort, convenience and general welfare, and for the following more particularly specified purposes:

"(a) To guide, control and regulate future growth and development in accordance with the Master Plan of the City and County of San Francisco;

"(b) To protect the character and stability of residential, commercial and industrial areas within the City, and to promote the orderly and beneficial development of such areas;

"(c) To provide adequate light, air, privacy and convenience of access to property, and to secure safety from fire and other dangers;

"(d) To prevent overcrowding the land and undue congestion of population;

"(e) To regulate the location of buildings and the use of buildings and land adjacent to streets and thoroughfares, in such manner as to obviate the danger to public safety caused by undue interference with existing or prospective traffic movements on such streets and thoroughfares."

During the meeting of December 14, people had talked about a property owner's right to develop his property; but he felt that it would be more correct to say that the property owner has a right to try to develop his property as well as a right to lose his fortune. In his opinion, the discussion which had transpired thus far had been more sympathetic to the developer than to the City Planning Code or the people of San Francisco. In conclusion, he stated that he believed that the environment and quality of life in San Francisco would be severely curtailed if the proposed building were to be constructed.

Elwood Smith, a representative of the Comstock Apartments, asked if the staff of the Department of City Planning felt that the proposed building would in no way add to traffic congestion on Clay Street after its completion. The Director replied that he had stated that the proposed building would add to the number of cars on the street but would not bring traffic to a level which would be beyond the ability of the street to handle.

Edith Collins, a resident of the Comstock Apartments and a real estate agent who specializes in cooperative and condominium apartments, questioned whether the applicant would be able to sell the apartments in the proposed building which would look into the windows of the Comstock. She also remarked that traffic on Clay Street is impossible at the present time; and she pointed out that the streets belong to the people of San Francisco.

Another resident of the Comstock stated that he did not believe the applicant's statement that he had entered a contract to purchase the subject property with no restrictions; and, consequently, he did not believe that the applicant would lose as much money as he claimed if the building permit application were to be denied.

Allan B. Jacobs, Director of Planning, stated that if water pressure in the subject neighborhood were as low as it had been alleged to be, the Commission would be obliged to stop all new development on Nob Hill. With regard to references which had been made to the Urban Design Plan, he pointed out that the Comstock Apartment building was not sympathetic to other existing development on Nob Hill when it was constructed; and he emphasized that the staff of the Department of City Planning was attempting to achieve some articulation of the facade of the proposed building. He did not see any merit in Mr. Jacobs' proportional setback analogy since setbacks usually have nothing to do with the number of units being proposed; and, in fact, he suspected that setbacks had been proposed

for the Comstock Apartment building to enable it to rise as high as it did under the floor area ratio controls of the City Planning Code. He stated that staff had attempted to notify Mr. Jacobs when the plans were received; however, since the revised plans had been received only earlier in the day, staff had not been successful in this attempt. The plans which had been submitted were not yet in a finished state; however, considerable progress had been made. He advised Mrs. Howard that her patio at the end of Reed Street may be located in the official street area. He felt that the key question before the Commission was whether it would be prepared to approve a building anywhere near the nature of the one proposed. If not, he felt it would be prudent for the Commission to say so at the present time in view of the fact that the nature of the project is not likely to change to any great extent. However, he would not recommend such a course of action. While he had not had sufficient time to prepare a draft resolution for consideration by the Commission, he was prepared to recommend that the application be approved with a requirement that the building be set back 8 feet further on the site, that the garage structure be lowered further on the west side of the building in the rear and in the front, that the materials to be used for the building be subject to approval by the staff of the Department of City Planning,that written assurance be given that landscaping in the adjacent street area would be protected or replaced, and that final plans should be subject to approval by the staff of the Department of City Planning. If the additional 8 foot setback should prove to be infeasible, he would recommend approval of the building subject to the other requirements which he had mentioned. In view of the fact that the feasibility of the additional 8 foot setback will not be clarified until the end of the month, he recommended that final action on the matter be postponed until the Commission's meeting on February 8. However, if that were the approach which the Commission wished to take, he recommended that it take action at the present time to indicate its intention of approving the plans on February 8.

Commissioner Mellon asked if the conditions which had been recommended by the Director would be acceptable to the applicant. Mr. Cornblum replied in the affirmative.

Subsequently, it was moved by Commissioner Mellon and seconded by Commissioner Fleishhacker that the Commission continue the matter under advisement until the meeting of February 8 and that it indicate its intention of approving the application, subject to the conditions which had been recommended by the Director, on that date.

Commissioner Fleishhacker remarked that it is often difficult for the Commission to be consistent, equitable and fair. In previous discretionary review cases, developers had been notified of the Commission's consideration of and concern with the Urban Design Plan and the height and bulk ordinance. However, both the plan and the ordinance had been adopted when plans for the proposed project were submitted; and he did not recall that residents of the subject neighborhood had raised any objection to the height and bulk limits pertaining to the subject property or to the zoning of the site. Under the circumstances, it was difficult for him to understand why residents of the

neighborhood should now be before the Commission objecting to the proposed building because it would block views. He emphasized that the Commission must use its discretionary review authority with some degree of reasonableness and consistency; otherwise, no developer can have any assurance that he will be permitted to proceed with his project. While he was sympathetic with the concern of residents of the subject neighborhood, he felt that the best way for them to protect their views would be to purchase all of the property, or at least the air rights over all of the property, in the block immediately west of the Comstock Apartments.

Commissioner Porter stated that she intended to vote against the application during the present meeting and on February 8 if final action should be postponed until that date. She stated that her opposition to the application was based on traffic considerations rather than views; and she indicated that she could not vote for approval of a building which would bring at least 100 additional automobiles to a street as narrow as Clay Street. While large apartment buildings do exist on Jones Street, that street is appreciably wider than Clay Street; and she felt that construction of the proposed building on Clay Street would be detrimental and, perhaps, disastrous to that particular section of Nob Hill.

Commissioner Fleishhacker remarked that the logical extension of Commissioner Porter's argument would require the Commission to state that no new buildings should be permitted on Clay Street, or on Washington, Jackson, or other streets in the area which are of comparable width.

President Newman indicated his disagreement with Commissioner Fleishhacker's statement. While he acknowledged that the applicant may have a legal right to construct the building being proposed, he noted that the City Planning Commission has been given the authority to conduct discretionary reviews of building permit applications. He stated that the Commissioners take their discretionary review responsibility very seriously; and he felt that if the Commission were to vote against the proposed development, that action would clearly indicate that the zoning in the subject neighborhood is incorrect and that a study must be undertaken to remedy the situation. Such a study might indicate that the district needs lower height, bulk, and density standards than those which presently exist. He stated that the only way that he could vote against the project with a clear conscience would be with the understanding that his vote was being cast for the good of the neighborhood and with confidence that a rezoning study would be undertaken.

Commissioner Ritchie stated that he attended the opening ceremonies at the Comstock apartments; and, at the time, he had not realized how providential the name of the building would be. After all, the Virginia City Comstock had dried up, also. He noted that he had stated during the meeting on December 14 that the applicant was proposing too much on a one-way street that traffic congestion in the area has already reached an appalling state, that the proposed development would be too large for the site; and that it would be located too close to the Comstock Apartments. He stated that he had voted for other projects which had come before the Commission for discretionary review; however, those projects

had been located on two street frontages or on corners. He stated that he would vote against the motion for approval of the application.

Commissioner Rueda noted that members of the Commission not only listen to testimony from the public but also take field trips to the neighborhood involved. He stated that he had voted in favor of larger projects which had been brought before the Commission for discretionary review; however, he could not vote for the proposed development of the subject property. He stated that he was very upset by the fact that residents of the Comstock had done nothing until the property had been purchased by a developer, thus placing the Commission in a difficult situation; and he felt that people should realize that developers have to make money and that they cannot construct buildings for charity.

President Newman asked if special action would be required on the part of the Commission if a determination is made that a rezoning study of the subject neighborhood is needed. The Director replied that the only action needed would be for the Commission to instruct the staff to undertake such a study.

Commissioner Farrell stated that he was faced with a difficult decision. While he was sympathetic with the concerns of the people who had spoken in opposition to the application, he had decided to follow the Director's recommendation and to vote for approval of the building.

When the question was called, the Commission voted 3-4 on the motion to indicate its intention to approve the application subject to the conditions which had been recommended by the Director and to postpone final action on the matter until the meeting of February 8. Commissioners Farrell, Fleisshacker, and Mellon voted "Aye"; Commissioners Newman, Porter, Ritchie, and Rueda voted "No".

Subsequently it was moved by Commissioner Ritchie, seconded by Commissioner Porter, and carried four to three that Resolution No. 6950 be adopted and that the subject application be disapproved. Commissioners Newman, Porter, Ritchie, and Rueda voted "Aye"; Commissioners Farrell, Fleishhacker, and Mellon voted "No".

The meeting was adjourned at 6:30 P.M.

Respectfully submitted,

Lynn E. Pio
Secretary

a B J

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, January 11, 1973.

The City Planning Commission met pursuant to notice on Thursday, January 11, 1973, at 2:15 P.M. in the meeting room at 100 Larkin Street.

PRESENT: Walter S. Newman, President; Mrs. Charles B. Porter, Vice-President; John C. Farrell, Thomas J. Mellon, John Ritchie, and Hector E. Rueda, members of the City Planning Commission.

ABSENT: Mortimer Fleishhacker, member of the City Planning Commission.

The staff of the Department of City Planning was represented by Allan B. Jacobs, Director of Planning; R. Spencer Steele, Assistant Director--Implementation (Zoning Administrator); Robert Passmore, Planner V (Zoning); Wayne Rieke, Planner IV (Zoning) James White, City Planning Co-ordinator; Emily Hill, Planner II; Glenda Skiffer, Planner II; Alec Bash, Planner II; Linda Ferbert, Planner I; and Lynn E. Pio, Secretary.

Maitland Zane represented the San Francisco Chronicle; Donald Canter represented the San Francisco Examiner.

APPROVAL OF MINUTES

Hearing no objection, President Newman declared that the minutes of the meeting of December 7, 1972, would be approved as submitted.

CURRENT MATTERS

R. Spencer Steele, Assistant Director--Implementation (Zoning Administrator), remarked that a letter had been received from the Cow Hollow Improvement Club and the Pacific Heights Improvement Association expressing concern about activities conducted by the Delancey Street Foundation in houses located on R-1-D properties at 3001 Pacific Avenue, and at Divisadero Street and Broadway. Mr. Steele recited a history of enforcement actions taken regarding activities in the building at 3001 Pacific Avenue which has been rented by the foundation, and investigations which have been made of the activities in the building at Divisadero and Broadway, which is now owned by the foundation. He informed the Commission that a cease and desist order will be sent requiring that occupancy of the buildings be brought into conformity with the City Planning Code. If the response is not satisfactory, he will turn the matter over to the City Attorney for legal action. In conclusion, Mr. Steele noted that the Commission had transmitted a draft ordinance to the Board of Supervisors in 1968 which would clarify the definition of a single family in the City Planning Code; however, after surfacing at the committee level on several occaisions, the matter was finally tabled by the Board.

Commissioner Ritchie remarked that the Delancey Street Foundation's use of the two properties had made a mocker out of R-1-D zoning. He indicated that he wished to

review Mr. Steele's files on the matter; and, in addition, he wondered what action the Commission would have to take to revive the ordinance which would clarify the definition of a single family in the City Planning Code.

Mr. Steele replied that a letter should be written to the Chairman of the appropriate committee of the Board of Supervisors if the Commission wished to revive the legislation.

After further discussion, the Commission requested that the draft legislation be discussed next week to determine if the members of the Commission are still in agreement with the previous recommendation and to decide whether a letter should be written to the Board of Supervisors to request that the legislation be revived.

Allan B. Jacobs, Director of Planning, reported to the Commission as follows:

"When a demolition permit is requested for a Landmark, the City Planning Code requires that a public hearing be held to determine if a Certificate of Appropriateness should be issued approving, in effect, the demolition permit. Notice of the hearing must be given by mail to the applicant and property owner and must also appear in a newspaper. The Department is further authorized to give such other notice as it deems appropriate. Currently, no notice is posted on or near the property, by this or any other department, advising the neighborhood of a pending request for a demolition permit.

"Because the Landmarks Board--as well as the immediate residents--considers a Landmark important to a neighborhood, and because the public must be involved if Landmarks are to be preserved, the Landmarks Board has requested that a policy be adopted which would authorize the Department to employ the same notification procedures for a Landmark demolition request as are employed for Conditional Uses, Reclassifications of property and for most variances; that is, posting notice of the public hearing in the neighborhood and notification by mail to all property owners within 300 feet of the subject property.

"While this would impose some extra workload on the staff, I believe that the long-term benefits outweigh the inconvenience of the increased work. During the past year, three requests for demolition of Landmarks were filed. The first two of these were acted upon, before a Certificate of Appropriateness was required, by the Commission and the Board of Supervisors through the suspension of the issuance of the demolition permits. The third will be acted upon shortly. For those already acted upon, the burden of making the case for suspension of the issuance of the permits fell entirely upon the Department staff because of the lack of public awareness. With an informed public, this situation should be reversed.

"Should you agree, I will instruct the staff to advise property owners and applicants for demolition permits affecting Landmarks that the staff will carry out the same notification procedures referred to above in all cases of required public hearings at which demolition permits are requested for Landmarks."

Commissioner Farrell asked if individuals and neighborhood groups, in addition to the Landmarks Preservation Advisory Board, had expressed concern about the lack of notice for demolition of Landmarks buildings. The director replied in the affirmative.

After further discussion, it was moved by Commissioner Porter, seconded by Commissioner Ritchie, and carried unanimously that the staff of the Department of City Planning be instructed to utilize the same notification procedures for consideration of demolition permits concerning Landmark buildings as are used when buildings are being considered for Landmarks designation.

The Director advised the Commission that the 1972 Grand Jury Report on the Department of City Planning has been received and that it is generally favorable in tone.

The Director advised members of the Plan Implementation Committee (Commissioner Farrell, Porter, and Ritchie) of a meeting scheduled next Wednesday, January 17, 1973 at 1:30 P.M. to discuss:

1. Code Revisions regarding overhangs.
2. Code Revisions regarding nonconforming dwellings.
3. Regular Meeting Date for Plan Implementation Committee.

The Director distributed copies of a draft memorandum of understanding for a Police Facilities Plan which had been prepared by the Department of City Planning in conjunction with the Police Department, and commented upon it as follows:

"During the past five years, we have begun a Police Plan several times. Staffing commitments and other administrative priorities have precluded our being able to complete this plan. Recently the Police Department has requested our assistance in preparation of this Plan. Both the Police Department and the Planning staff feel this project is needed to provide basic data for Capital Improvements. The Police Department, understanding our problems with staff, has taken a major step to begin by transferring a position to the Department of City Planning for a planner for 1½ years to do this plan. The memorandum you have before you is an agreement of responsibilities between the two departments It is being presented to the Police Commission for their endorsement and I would recommend it to you for your endorsement."

After discussion, it was moved by Commissioner Porter, seconded by Commissioner Rueda, and carried unanimously that Resolution No. 6951 be adopted to express the Commission's endorsement of the document entitled "Memorandum of Understanding for a Police Facilities Plan" as an initial step in the preparation of such a plan as an element of the Master Plan.

The Director then read the following prepared statement:

"Over the past months, interested citizens have called the staff's attention to numerous demolitions of apparently sound housing without adequate provision for the relocation of the tenants of the demolished building, and the question has been raised, isn't such demolition in conflict with the objective of the City's Master Plan to maintain and improve the quality and diversity of San Francisco's Residential Communities and the related policy ... avoid displacing any household until adequate relocation housing is available.

"As most examples of demolition brought to our attention are housing occupied by low-income persons, and as the Commission knows the City is having a very difficult time providing sufficient new housing for low-income persons, it would appear that answer to the question is yes. These demolitions have occurred throughout the lower-income neighborhoods of the City, the Mission, South of Market, Chinatown, Haight, etc.

"The question then is what can be done to reduce this conflict with the Master Plan. Where the Commission has the power to review the development which would replace the demolished dwelling it has generally denied the new project where it would result in a relocation problem. However, the Commission has relatively little power to prevent demolition where the new development does not require special authorization.

"A major way to correct this would be for the Board of Supervisors to adopt an ordinance that would prevent the demolition of existing dwellings until relocation of the occupants had been provided in a manner satisfactory to an appropriate City Agency such as the Human Rights Commission or Planning Commission. I would suggest that such an ordinance should be considered for the time period. The City has a demonstrable shortage of low-income housing.

"If the Commission believes that such an approach is desirable, staff will prepare a Resolution for adoption by the Commission that would in effect request the Board of Supervisors to adopt such an ordinance and would offer staff to the Board for preparing such an ordinance."

Commissioner Porter felt that the Commission should avoid a tendency to tell every private property owner what he can or cannot do with his property; and, if the Commission were to make a recommendation on the issue of demolition of sound housing, she felt that the action should be taken only after a good deal of consideration.

Commissioner Ritchie agreed that so many restrictions are being placed on private property that private property owners will ultimately be unwilling to undertake any new development whatsoever. While he regretted the loss of any existing sound housing in the South of Market area, he felt that private property ownership should not be prevented from clearing their properties for other uses.

Commissioner Rueda observed that there is often a great deal of expense involved in bringing sound housing up to code standards.

After further discussion, President Newman referred this matter to the Plan Implementation Committee for further consideration.

CONSIDERATION OF ENVIRONMENTAL IMPACT REPORT ON HUNTERS POINT ELEMENTARY SCHOOL

Alec Bash, Planner II, stated that the Environmental Impact Report for the proposed project had been prepared by the Redevelopment Agency, had been advertised in the official advertising newspaper and posted in the vicinity of the subject property, and had been available in the offices of the Department of City Planning for 30 days for public review. He stated that the 2.5 acre site is located in the southern portion of the Hunters Point Redevelopment Project Area; and he indicated that the proposed school would serve 500 children from the Hunters Point Redevelopment Project Area and residential areas further south. The school would have a staff of 30 people. The new facility would consist of one-and two-story buildings which would provide 18 classrooms, two kindergarten rooms, an administrative area, a multi-purpose room, and a special instruction room. In addition, 31 off-street parking spaces would be provided for the staff. During the construction phase, noise and traffic would be the major environmental factors; however, that phase would be only temporary in nature. After the school is in operation, it will generate approximately 150 automobile trips a day; however, the impact of that traffic would be mitigated by the fact that access to the parking lot would be from Palou and Oakdale Avenues and by the fact that pedestrian access to the school would be available from all sides. Noise will be generated by the school's playground; however, the noise will be mitigated by grade separations to the north and south and by the community park which exists on the east side of the site. The school building itself will provide a sound buffer to the west. Plans for the proposed facility had already been approved by the Redevelopment Agency, the Water Resources Control Board, the Fire Department, the Board of Education, the Art Commission, the Department of Public Works, the Water Department, and the Bay Area Pollution Control District.

President Newman asked for comments from the audience. No one responded.

Allan B. Jacobs, Director of Planning, recommended the adoption of a draft resolution which contained the following resolves:

RESOLVED, that the City Planning Commission does hereby find that the "Environmental Impact Report dated November, 1972, concerning the Hunters Point South School, is an objective, thorough, and accurate analysis of environmental impact of said project, and adopts said report in compliance with provisions of the California Environmental Quality Act; and

BE IT FURTHER RESOLVED, that the Commission finds that the project will not have a significant effect on the environment."

Commissioner Ritchie complimented the architects for the originality of their plans. While some homes do exist adjacent to the school's site, he felt that the location of the school buildings on the property would serve to mitigate any noise which might be generated; and, in any case, the proposed facility is badly needed.

After further discussion it was moved by Commissioner Ritchie, seconded by Commissioner Rueda, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 6952.

At 3:00 P.M. President Newman announced that the meeting was recessed. Members of the Commission then proceeded to Room 282, City Hall, and reconvened at 3:10 P.M. for hearing of the remainder of the agenda.

THIRD PUBLIC HEARING ON IMPROVEMENT PLAN FOR RECREATION AND OPEN SPACE

(CONTINUATION OF HEARINGS HELD ON NOVEMBER 16 AND DECEMBER 12, 1972)

President Newman welcomed members of the audience and explained that members of the Recreation and Park Commission were not able to be present since they had a conflicting meeting scheduled at the same time; however, he noted that a representative of the Recreation and Park Department was present. He then called on Allan B. Jacobs, Director of Planning, who made the following introductory statement:

"On October 12 the Department of City Planning presented to the City Planning Commission and to the citizens of San Francisco the 'Improvement Plan for Recreation & Open Space'. The plan is a proposal for citizen review, which means that both the objectives and policies section and the program section will be revised on the basis of comments received from individuals and community groups. After the plan has been revised, the objectives and policies section will be proposed for adoption by the City Planning Commission and the program section will be presented for Commission endorsement. Before proceeding with testimony, I would like to discuss further other details of the citizen review process.

"As the draft was being prepared, members of the staff met repeatedly with members of community groups and public agencies of various types. Regional, citywide, and neighborhood groups have all played a key role in development of the draft in its current form. Upon presentation of the Plan to the Commission and to the public, approximately 450 copies of the plan were mailed to individuals and community groups. Since that date, approximately 400 additional copies have been distributed on the basis of individual requests.

"The staff has responded to requests by a number of community groups to meet with them and discuss the Plan. These groups include WAPAC, SPUR, San Francisco Tomorrow, Central City Coalition, Mission Coalition, Bernal Heights Association, SPEAK, Inner Sunset Action Committee, Haight-Ashbury Merchants Association, and numerous other groups throughout the city. In addition, a number of individuals and public agencies have responded to the Plan through letters

to the Department, phone calls, and by stopping in and discussing their views with staff members. All comments received will be considered in the review process until its conclusion in January.

"At today's hearing, members of the staff will be making notes on all the testimony offered. Following the final hearing, we will evaluate the comments and suggestions received. The Department will prepare a summary paper of these comments, indicate staff response to them, and recommend revisions where appropriate. This paper will form the basis for the revisions to the Plan. The revised version of the 'Improvement Plan for Recreation & Open Space' will be presented to the City Planning early in 1973. As we mentioned before, the revised objectives and policies section will be proposed for Commission adoption at that time, the revised program section will be proposed for Commission endorsement.

"I would like to point out again, therefore, that it is the objectives and policies section contained in this white book, including plan maps and statements, which, upon adoption, will form the Recreation & Open Space element of the Master Plan. I would urge you again, as I have before, to pay particular attention to this section of the plan in your comments. Policies and plan statements on regional open space, the shoreline, a shoreline zone, methods of preserving public open space, priority neighborhoods and other important issues are contained in this section. We are particularly anxious to have your comments on this central section of the plan.

"At the end of today's meeting, staff will be prepared to respond to issues and comments raised in the testimony. In the interest of time and fairness to those who wish to testify, we will do this at the end of the meeting when everyone has had a chance to speak."

Judy Sheldon, representing the Citizens Waterfront Committee, read and submitted the following prepared statement:

"My Committee is generally quite pleased with the waterfront elements of the Planning Department's Improvement Plan for Recreation and Open Space, and particularly enthusiastic about the amount of attention that is given to the recreation and open space potential of the waterfront.

"I don't think that I need to elaborate on the Citizen's Waterfront Committee's feelings about the great need for increased public access and recreation on the waterfront, nor on the need for intelligent, imaginative and orderly planning in this area. I am sure you are all too familiar with our concerns after our many appearances at previous meetings such as this one. We are greatly

encouraged to see that our sentiments are more and more coming to be reflected in documents such as the Improvement Plan for Recreation and Open Space. We would urge you to continue this very positive trend.

"The following remarks will be addressed to Section II, The S.F. Shoreline, and to 'Building New Waterfront Parks' in the Programs booklet. Policy I: 'Require all new development within the shoreline zone to conform with shoreline land use provisions, to incorporate open space, to improve access to the water, and to meet urban design policies.' This is excellent and we support it enthusiastically. We would, however, like to recommend the following:

"1. A specific, defined and delineated Shoreline Zone should be designated instead of the vague and unclear area which is referred to in the Plan. Since all new developments within this zone will be subject to the shoreline guidelines, it is imperative that there be no question as to the boundaries of the area included in this Shoreline Zone. I am submitting, along with my written presentation, a map of the S.F. shoreline, with the Citizens' Waterfront Committee's suggestions for specific boundaries for the Shoreline Zone. These lines take in all areas adjacent to or immediately affected by any waterfront development.

"2. Having Land Use Provisions for shoreline development is an excellent idea and one we have long been calling for. We would suggest that in order to bring the City's policies in conformance with state policies as outlined by BCDC law, that 'Restricted' land uses for the Shoreline Zone should not include office uses. Office and hotel uses, as well as major highways, should be added to the 'Prohibited' land uses category, as they are in no way desirable, needed or appropriate for the S.F. shoreline.

"3. The Open Space Requirements and Urban Design Specifications are excellent and the Citizens' Waterfront Committee wholeheartedly supports them.

"4. The Citizens' Waterfront Committee recommends that an additional element be added to the section concerning development within the Shoreline Zone, which would state that all new developments in this zone will require a special or conditional use permit and a public hearing before permits are issued.

"Policies 2 and 3 we endorse fully.

"The Western Shoreline Plan is good. We would like to suggest that you pursue the idea of Fort Funston becoming the city's public overnight campground, similar to those that most major European cities have.

"Plans and policies for the Eastern Shoreline, largely worked out with the people living in the area, are fully endorsed by the Citizens' Waterfront Committee and should receive high priority. The conditions for commercial use are excellent and should be applied to the entire shoreline.

"CWC hopes that in the near future the Northern Waterfront will receive the same attention and the same care will be taken to work with interested groups in the area. The Improvement Plan for Recreation and Open Space falls short of its stated objectives and policies in the section on the northern waterfront which is unnecessarily vague and general. In contrast to the specific acreages prescribed for most of the parks on the Eastern shoreline, the Plan fails to propose either a precise location or an approximate size for the proposed North Point Park. In fact, the North Point Park is missing entirely from the section 'Building New Waterfront Parks' which leads us to wonder whether a real park (and a highly desirable one) is intended or merely a token public access strip.

"We recommend that the conditions for commercial use for the Eastern Shoreline be applied to the Northern Shoreline. We strongly oppose any developments of Piers 45, 41, 37, 1-7 and 14-24 that are contrary to the intent and spirit of the BCDC legislation. The Post has a sufficient amount of inland property which can be commercially developed to satisfy its need for nonmaritime income. Let's leave the shoreline to the ships and the people.

"As for the BART platform behind the Ferry Building, we concur wholeheartedly with the staff's recommendations vis-a-vis design, optimum public access and use, and prohibition of parking on the platform. Whereas a restaurant is an appropriate use for the top of the ventilation structure, the platform itself should be devoted to public recreational use. In addition, we strongly oppose the Port sponsored office building and parking garage proposed for south of the BART platform and Ferry Building.

"Finally, CWC supports the proposals under the heading 'Building New Waterfront Parks', with the exception noted above regarding the North Point Park. We are particularly enthusiastic about the proposal for an Open Space Acquisition and Development Fund and hope that this will be vigorously pursued. We note regretfully that the proposals and policies in the Programs booklet are not proposed for formal adoption as an integral part of the Plan and we question their effectiveness without such status."

President Newman asked what type of development Miss Sheldon would propose for the Northern Waterfront between the Ferry Building and Fishermans Wharf. Miss Sheldon replied that more recreational facilities should be proposed for that area; and she indicated that the recreational uses which she would contemplate would include concert halls and recreation halls and not necessarily be limited to recreational open space. She stated that she had no objection to continued maritime use of Piers 9 - 35; however, if the maritime activities should be phased out in the future, she felt that the piers should be used for open recreational purposes rather than for commercial development. In her opinion, the Port Commission has sufficient inland property for any commercial development which it might contemplate; and her committee felt that properties along the waterfront should be preserved as open space.

Commissioner Ritchie asked for further explanation of Miss Sheldon's proposal for turning Fort Funston into a public overnight camp ground. Miss Sheldon replied that the idea had originated with the Community Design Center; and, while she had not studied the proposal in detail, she felt that it should be worthy of consideration. Such a campground would provide a place for people with campers and trailers to stay overnight instead of using City streets.

Richard Park, representing the Central City Coalition, noted that Commissioner Ritchie, during the public hearing on December 12, had asked him if he could document his claim that the City had promised to provide new facilities in the South of Market area to replace Father Crowley Playground and Columbia Square; and he indicated that he had collected excerpts from the minutes of the Recreation Commission to shed light on those matters. The excerpts concerning the Father Crowley Playground were as follows:

"4/15/48--'After a thorough discussion, in which general public sentiment over the loss of the playground was expressed and the possibility of state aid was considered, on motion of Father Shea, seconded by Mrs. Dippel, and carried, the Superintendent was authorized and directed to confer with proper city authorities to determine the possibilities of saving Father Crowley Playground and to explore the possibilities of obtaining sufficient funds to re-establish a playground at another site.'

"5/6/48-- 'He (Mr. Pangry, Metropolitan District Right of Way Agent, State of California, Division of Highways, District No. 4) stated that the State intends to pay a fair price for the land and is agreeable to make payment in the near future so Recreation Commission can obtain another location which it wishes to develop as a playground.'

"8/4/49-- Eugene Riordan, Director of Property, said that the state would pay $426,250 for the North half of the block (155,000 sq. ft.) but is willing to buy the whole block (326,875 sq. ft.) for $898,000. Riordan recommended selling it all.

"Commission approves the resolution to sell whole block.

"12/1/49--Money from sale of Father Crowley will go exclusively to Recreation Land Purchase Account.

"2/8/51 --Recreation and Park Commission Meetings --Mr. Teller told members that the Board of Supervisors was interested in assurance that the funds received from the sale of Father Crowley will be safeguarded or earmarked for the purpose of making other facilities South of Market.

"Sept. 10, 1953 -- Final transfer of property made to State."

Mr. Park then submitted background information and excerpts from Recreation and Park Commission minutes concerning Columbia Square, as follows:

"The building of the Bayshore Freeway by the State of California started a series of events that eventually led to the transfer of Columbia Square to the Board of Education for the site of Bessie Carmichael Grade School. This was so because the freeway necessitated the destruction of Ethan Allen School which was adjacent to Father Crowley Playground. The School Board then went looking for an alternative site for the grade school. In early 1952, Dr. Herbert C. Clish approached the Recreation and Park Commission about transfering to them the property that was then Columbia Square.

"3/13/52--Recreation General Manager Lewis recommended that the Commission keep Columbia Square as it would be the only South of Market playground facility when Father Crowley Playground was eliminated.

"The Commission passed Resolution #682 opposing the use of Columbia Square for the school site.

"3/27/52--The Recreation and Park Commission reversed its previous resolution provided that certain provisions for continued recreation be agreed to. (Resolution #702).

"9/15/52--A Special Election is set for Tuesday, November 4, 1952 to consider abandonment of Columbia Square for a school.

"11/4/52--Proposition S passed.

"12/7/52--Board of Supervisors passes a resolution for the continued maintenance of trees and flora of Columbia Square.

"12/21/53-Supervisor Christopher requests the Board of Education to make recreational facilities available on Saturday and Sunday afternoons."

Mr. Park stated that Resolution No. 702 of the Recreation and Park Commission, adopted on March 27, 1952, had expressed the Recreation and Park Commission's acquiescence to the Unified School District's proposal to construct the Bessie Carmichael Grade School on Columbia Square. The Recreation and Park Commission had made that decision only after it had been assured by the Superintendent of Schools that ample recreational and play area would be provided if Columbia Square were to be used for school purposes and that such recreation and play area would be regularly supervised and operated by the San Francisco Unified School District as an adequate recreation facility. Mr. Park stated that he had contacted Tony Patch, Director of the Recreation Program in the San Francisco Unified School District on January 5, 1973; and Mr. Patch had offered the following summary of Recreational activities offered at the Bessie Carmichael School:

"Monday through Friday from 2:30 until 5:00 or 5:30 P.M., depending on the time of year, Bessie Carmichael School is kept open for recreation. There is a recreation director present at that time who supervises free play; and, on occasion, if children are interested, the Director organizes activities such as kick-ball and soft-ball. This program is operated by the San Francisco Unified School District, which has 57 such programs in operation throughout the City. The program has been on going at Bessie Carmichael for about the last 15 years. The average attendance falls between 25 to 45 children per day. The only facility used is the paved school yard which is approximately 1/2 city block in length. If the weather is bad there is no program."

Mr. Park suggested the documents which he had read and submitted indicated that the Recreation Commission and the Board of Supervisors had intended that funds acquired from the sale of Father Crowley Playground should be used for purchase of a new park in the South of Market area; and he stated that South of Market residents feel that the City still owes them a replacement for that park. Earlier in the day he had read in the newspaper that the City has received $2 million in Revenue Sharing funds; but not a cent of that money had been allocated for the South of Market area. In conclusion, he urged the City Planning Commission to adopt a resolution urging the Mayor and the Board of Supervisors to make funds from the Revenue Sharing Program available to the South of Market area in the future.

Commissioner Ritchie thanked Mr. Park for his excellent presentation. He remarked that Father Crowley Playground was a large and attractive grass recreational field; and he indicated that Columbia Square had been more park-like in appearance with grass and eucalyptus trees. He seemed to recall that the public had been told that funds obtained from the sale of Father Crowley Park would be used to provide a replacement facility for the South of Market area; and he was surprised that the City had not fulfilled its commitment. He felt that the City Planning Commission should request that this matter be investigated.

Commissioner Farrell asked if the money obtained from the sale of Father Crowley Playground is still available in the Recreation Land Purchase account or if it has been used for other purposes.

Thomas Malloy, Executive Assistant to the General Manager of the Recreation and Park Department, stated that it was his personal suspicion that the funds had been used for other purposes. He noted that the last bond issues for acquisition of land for new parks had included $900,000 for purchase of a park in the South of Market area; and it was understood that HUD would have contributed an additional $900,000 towards purchase of the park if the bond issue had been approved.

Mr. Park stated that it was his understanding that none of the funds obtained from the sale of Father Crowley Playground were left in the Recreation Land Purchase account.

After further discussion it was moved by Commissioner Ritchie, seconded by Commissioner Rueda, and carried unanimously that the staff of the Department of City Planning be asked to investigate the whereabouts of the funds which were received by the City for the sale of Father Crowley Playground and to study and report on steps which could be taken to initiate a program for establishment of a park in the South of Market area to replace the facilities which were once available at Father Crowley Playground and at Columbia Square.

A. R. Roderick, representing the Tides End Community Association (TEKA), read the following prepared statement:

"The following comments will be directly related to that section of the IMPROVEMENT PLAN FOR RECREATION & OPEN SPACE relating to the Greater Ocean Beach Area of the San Francisco Shoreline.

"In studying the printed materials for this plan, I noted with appreciation the statements that:

> 'the western and northern shoreline should function as a long unbroken stretch of open space; its natural qualities should be those providing substantial long-term public benefits that cannot be provided on other sites with the city.'

+

'...that we should 'improve the quality of the existing shoreline recreation area.'

+

"....there is a need to diminish the emphasis upon the rapidly overwhelming encroachment of the automobile upon park land.

"Two years ago, we (this initial draft, as presented in the current brochures was first presented to, and as a result of the prior action of, T.E.K.A. - Tides End Community Association - and the President of the Board of Supervisors) were pleased to see the artistic rendering of the 'Improvement Plan for Ocean Beach' that is reproduced on Pages 4 & 5 of the 'Programs Recommended...' brochure. Now, the time is fast approaching when this artistic rendering needs to be refined and polished with the fine grit of engineering knowledge and financial evaluation.

"On January 13, 1972, the Recreation and Park Commission approved in principle - and it must be noted 'in principle' rather than 'in specifics' - the idea of this section of the planning for Ocean Beach. It is vital to observe that the plan as then presented, and as now presented, fails to include the federal sand control study (yet uncompleted, and initiated well prior to Jan. 13, 1972), and to integrate the effects of winds, fog, water erosion, blown sand, policing requirements, maintenance costs, and construction costs - all of which are factors brought to the attention of The Recreation & Park Commission members and to City Planning staff representatives over a year ago, and which are endemic to the plan which we might reasonably expect to be possible.

"Before any thought of final approval of the plan herein presented, or later to be revised, is given, surely you will want your staff to provide you with, and in sufficient detail, the findings of the federal sand control study, evaluation and recommendations, for the Greater Ocean Beach Area. I trust you will expect an integration of these fundamental engineering considerations into this proposal.

"The artistically rendered plan is very useful - it does provide a 'starting point' for improvement. After all, a decision can be improved upon only after it has been made. Let us improve it, upon the basis of facts.

"One fact is that we were told by the planning department representatives that it would be quite difficult to protect the children (short of continuous supervision) in the proposed playground areas that have

roadways so close on either side and thus fencing would be needed. The performance record indicates that the probable life of such fencing, before destruction by vandalism, would be less than a month.

"One fact is that the proposed parking areas are not new - and they are even now a demonstrable source of problems to three (3) city departments: they add substantial cost to the maintenance budget and the policing budget (to the point that both maintenance and policing are below acceptable standards) they add to the sand control problem with resulting damage to the planted areas on the east side of the park road (inundated more than three blocks of the east bank in 1972) as well as damage to residential properties, and are not needed for parking! There is more than...measurably more than ...ample parking atop the dunes at the south end where Sloat Blvd. intersects, with parking extending southward to Ft. Funston (and that segment is being further enlarged by erosion control fill operation). There is demonstrably more than ample parking north of the Lincoln Way intersection with the park road 'upper Great Highway' and extending north to Sutro Heights.

> "Since 1964, it has become an established fact that the loss of sand control resulting from the creation of the parking bays between Sloat and Lincoln on the west side of UGH has been a costly problem affecting health, safety (including personal injuries and fatals just the past six months alone), and property damage, both public and private.

"We have a very sick situation at Ocean Beach now - and Recreation & Park cannot be 'blamed' when one considers that budget for even minimal needs hasn't been funded in recent years. The police department seems unable to enforce the municipal codes applicable, and the 1.9 miles of the two-lane, each direction, highway of UGH according to our checking is the <u>most dangerous strip of park road in the city</u>. (One important problem that shows no evidence of consideration in the subject plan is that of vehicles being driven across the median strip.)

"Yet to be reflected in the 'Programs Recommendation' is how this aspect of the plan would be funded. Having checked with the federal segment, we are advised that the portion of land west of the current roadbed would have to be an unencumbered gift to the federal government for it to be accepted; it could not be accepted on a 'loan', 'lease', or similar basis. Based on an earlier bit of advice to the Board of Supervisors, such gift would have to be on the basis of a vote of the citizenry. While much active opposition can be expected for such a move, even <u>if</u> that occured, it would but add to the current

problems, not diminish them - and the almost unthinkable situation of the Citizens of San Francisco being taxed to build a sand control system to protect a segment of federal land interpositions between it and the city property is not all that remote.

"A year ago, Robert Levy, City Engineer, indicated the cost of the project as herein appearing to be some $4,250,000 for the initial phase. I checked with his office yesterday and find that the figure is probably low, at this time. The likelihood is that gas tax and general fund sources would not be available for such implementation and that a bond issue would be needed. When taxpayers receive the details of a workable sand control plan (and here an older and needs-to-be-verified figure must be used), it is not unlikely that an additional $25,000,000 will be added to the price.

"What about an alternative? Should the yet-to-be revised PLAN FOR IMPROVEMENT be limited to the above quoted objectives (P.1), should improvement of this section of park land be limited to improvement as park land, and should we exclude the astronomically higher costs because of the 'major thoroughfare' treatment (please cross-reference the PLAN FOR TRANSPORTATION), the cost could be such that there would be reasonable possibility of implementation.

"As was the case on January 13, 1972 at McLaren Lodge, yesterday I discovered that the Office of the City Engineer was unaware of the hearing of your commission at City Hall, yesterday, and that their assistance and cooperation in depth had not been sought for this plan. Yesterday, I found evidence that the Planning and Research Section of the San Francisco Police Department had not been consulted. What consultation has occurred with the Health Department? (We've had enough of the rodents attracted by the parking and over-night camping as well as the extended 'living on the beach.')

"Please...please insist that you be given as much of the over-all picture and related facts as possible - and not be asked to decide on the basis of but a skeletal, artistic rendering.

"Approbation is in order for the progress of the initial steps. As you have pointed out, now is the time for improvement thereupon.

"As the individuals responsible for the husbanding of the precious and fragile natural recreational resources at Ocean Beach, to a considerable degree, please consider well and truly how you can

act to keep one small section of San Francisco, 1.9 miles long, along the shoreline, in such a manner that it will be possible to walk along the upper dunes without need to suffer the shock of the maniacal dunesbuggy and motorcycle operators who too frequently think of the area as being reserved for the internal combustion engine, and act to insure that individuals of all ages may be able to walk along the beach, between Lincoln and Sloat, reasonably free of the sound of motor vehicles and totally free of the sight of them--for the automobile has become the single most degrading factor in beach usage in this area, and it has taken but a very few years to do this damage."

Commissioner Mellon asked Mr. Roderick if he had considered the possible effects of inclusion of Ocean Beach in the Golden Gate National Recreation Area. Mr. Roderick replied in the affirmative. He noted, however, that the original proposal for the Golden Gate National Recreation Area had only called for inclusion of portions of Ocean Beach located west of the south-bound traffic lanes on the Great Highway; and he questioned whether it would be possible to present even that limited portion of the beach to the Department of the Interior as an outright gift since Charter restrictions, dating back to 1924, would require a vote of the populace of the City and County of San Francisco to transfer title to the property.

Mr. Malloy stated that a vote of the populace may not be required if title to the property is transferred to the Department of the Interior without a change in use. That opinion had been rendered informally by the City Attorney's office approximately three months ago.

Mr. Roderick stated that he had been advised that the opinion had been changed during the interim. In any case, he felt that it would be worth while to investigate the present status of the transaction.

President Newman asked Mr. Roderick if he contemplated complete closing of the Great Highway. Mr. Roderick replied in the negative, but indicated that he did not personally subscribe to the "throughway" concept which had been proposed. He definitely felt that it would be undesirable from a safety standpoint to construct any additional parking facilities along Ocean Beach; and he felt that the emphasis on the Great Highway as an inter-county link must be diminished.

Commissioner Farrell asked Mr. Roderick how he would propose to handle traffic which presently uses the Great Highway. Mr. Roderick replied that he believed that park land should be used for park purposes and not for freeways; and he felt that major traffic should be diverted from the Great Highway onto City streets such as La Playa.

Commissioner Farrell stated that he had spent a great deal of time at Ocean Beach and has witnessed very few accidents; and it seemed to him that the accident rate would increase if the traffic now carried on the Great Highway were to be diverted onto La Playa.

Suzanne Ish, 4236 Lawton Avenue, also represented the Tides End Community Association (TEKA). She stated that the members of her organization were concerned about access to the Beach and safety on the Great Highway; and she indicated that Supervisor Francois, following a number of committee hearings, had suggested that the members of her association work with the Department of City Planning to prepare plans for the redesign of the Great Highway. She hoped that the upper portion of the Great Highway could be redesigned as a park road; and she felt that the existing speed limits of 45 miles per hour and 35 miles per hour should be reduced to 25 miles per hour. However, in order to translate the sketch-plan which had been prepared by the Department of City Planning into a reality, she realized that a very sophisticated plannning study would have to be undertaken.

Yori Wada, representing the Buchanan YMCA, the Nihon-Machi Corporation, and the Western Addition Council of Youth Service Agencies, stated that not all of the agencies which he represented were in agreement on various issues; and, therefore, he intended to revise his statement before submitting it to the Commission in writing. He stated that he was primarily interested in the recommendations which had been made by the staff of the Department of City Planning for neighborhood recreation programs. In that regard, he agreed with the statement that high-need neighborhoods should be given priority; and he felt that special attention should be focused on the Western Addition, particularly the Central and Southern portions of that area. However, while he agreed with many of the objectives stated in the staff report, he noted that no time-tables or goals had been proposed; and, in the absence of such a framework, he feared that many of the objectives may never be realized. The first policy contained in the Improvement Plan for Neighborhoods was that better use should be made of existing facilities; and one of the proposals which followed was that all recreation facilities should be adequately staffed to carry out needed recreation programs and services. He agreed; however, in both the Improvement Plan and the Implementation Section, he believed that the staff of the Department of City Planning had placed too much emphasis on the role of public agencies, such as the Recreation and Parks Department and the Unified School District, and had failed to recognize the role played by private agencies in fulfilling the recreational needs of the community. The second policy of the staff was that new park and recreation space should be acquired to serve the needs of San Francisco's residential neighborhoods. In that reagrd, he stated that the open spaces which have been provided by the Redevelopment Agency in the Western Addition are inadequate insofar as they provide only open space and no recreational facilities except for one social hall for each building complex. He emphasized that there is a difference between supervised and organized play; and he stated that there is a high need for both in low-income and minority areas. Mini-parks had been provided in the Western Addition area but cannot be used in rainy weather; and, in fact, few residents of the Western Addition appreciate or utilize such facilities. While parks are not well used in the neighborhood, larger playgrounds, recreation centers and gymnasiums are quite heavily used. He stated that the greatest need in neighborhoods such as the Western Addition are for recreational facilities which allow youngsters to be active and to work off their hostilities. Policy 3 of the Improvement Plan for Recreation and Open Space provided that priorities should be given to recreation improvements in high-need neighborhoods. He indicated that he was in full accord with that policy; however, he remarked that implementation of the policy did not seem to be imminent.

Mr. Wada then quoted from the Neighborhood Programs supplement to the Improvement Plan for Recreation and Open Space: "The neighborhood plans are, by necessity, limited in scope. They focus on public recreation and the operation of the Recreation and Parks Department in particular rather than private and semi-private facilities." Personally, he did not feel that the separation between public and private sponsors of recreational activities should continue; and, as a result, he felt that the first general recommendation under the neighborhood programs category, which stated that coordination should be improved between the Park Department and the San Francisco Unified School District, was too limited in scope. He felt that most of the other general objectives and guidelines for implementation recommended in the report were excellent; however, he questioned whether the statement to the effect that existing Charter responsibilities delegated to the Recreation and Park Department and the School District should be respected by the Interdepartmental Cooperation Program would encourage innovative and creative programs to meet the needs of the children of the Western Addition.

Commissioner Mellon asked Mr. Wada if it would be his recommendation that neighborhood programs and facilities should be given priority over City-wide facilities. Mr. Wada replied in the affirmative and indicated that he was especially concerned about the need for additional facilities in the southern and central portions of the Western Addition. While the staff of the Department of City Planning had proposed a large recreation facility for the vicinity of Haight and Fillmore Streets, he noted that the Salvation Army has contemplated construction of a similar facility in that area; and he felt that there is a greater need for a new facility in the vicinity of Hayes and Divisadero Streets, a neighborhood which has no indoor recreational facilities whatsoever.

Commissioner Porter, noting that Mr. Wada had suggested that greater cooperation between the public sector and the private sector would result in better provision of recreational facilites for the City's neighborhoods, asked how that cooperation might be achieved. Mr. Wada replied that he did not know whether the initial effort should be made by the public sector or by the private sector.

Commissioner Mellon stated that Mr. Wada's previous comments had seemed to imply that some of the public facilities in the Western Addition might be better utilized if they were staffed with people provided by private organizations rather than with people provided by the Recreation and Park Department. Mr. Wada replied that the facilities provided by the Redevelopment Agency had been constructed with public funds; yet, private agencies had been required to provide staff for those facilities He felt that such situations are ridiculous unless the private agencies are involved in planning for the facilities.

Christopher Emley, 535 Ramsell Street, read and submitted the following statement which had been prepared by Jack Montogomery, Chairman of the Beautification Committee of the OMI Association:

> "We're pleased by the inclusion in the Improvement Plan of some of the open-space proposals contained in our OMI beautification plan.
>
> "BUT we object strenuously to being considered a low priority or non-priority area. OMI is a combination of neighborhoods which are

still assets to the City, but which are slipping. Now is the time for giving serious consideration to OMI's physical planning needs, not after the area has already become a slum.

"Specifically, we would like to see development of Brooks Property. Your Plan deals with it as presently available open-space, whereas in fact it is unusable.

"The three new mini-parks or view-sites which your Plan calls for can serve the community only if intelligent work is done on the details of landscaping and access. Our present mini-park at Bright and Randolph has been a blight since its opening because of normal abuse and abnormally vulnerable plantings.

"Your Plan seems to contemplate community enjoyment of the roadside area of Brotherhood Way. Actually, it is an enjoyable and usable as the embankment of a freeway. Please note that this space constitutes the single largest bloc of open-space in our area. If you view the OMI, leaving out that "open-space," you see how pitifully little open-space we really have.

"We are concerned that two school-closings in our neighborhoods, required by the Field Act (at Farragut and Sheridan Schools), may not be seized upon by the Planning Commission and Department as opportunities to provide more open-space and usable recreation areas. The schools are obviously too expensive to renovate according to earthquake code standards. They will be demolished. Some thought must be given to future public use of both sites. That is particularly so because Farragut School sits within a 33-block area which has no open-space whatsoever now, and none proposed by your Plan.

"Principally,though, OMI Homeowners and Renters Association's criticism of your plan is that we are treated by it as an advantaged area--not needing special attention. We warn you that Ocean View-Merced Heights-Ingleside neighborhoods can quickly become greater sink-holes for public funds than any of your presently nominated 'high need neighborhoods'."

C.R. Roberts, representing the staff of the Bay Conservation and Development Commission, read and submitted the following statement which had been prepared by Joseph Bodovitz, Executive Director of the Bay Conservation and Development Commission:

"We are writing in response to your invitation to all interested parties to review and comment on the San Francisco Planning Department's 'Improvement Plan for Recreation & Open Space.'

"Time has not allowed for review of this Plan by the members of the San Francisco Bay Conservation and Development Commission, and the comments that follow are thus solely those of the BCDC staff. Our

comments are in two parts: this letter, and a supplement containing more detailed comments on specific proposals in the Plan, which we hope will be of help to your staff in further work following from this plan.

"We have two general comments:

"First, we believe the report to be a clearly-written and thorough study of both the problems and opportunities in regulating, acquiring, and managing land and water for both recreation and open space. Our principal concern is naturally with those areas that are within BCDC jurisdiction, and in this connection we specifically concur with the excellent statement of objectives on p. 12 of the Plan:

"'The Pacific Ocean, San Francisco Bay and their respective shorelines are the most important natural resources in San Francisco. Their open space potential is considerable. Together they offer unlimited opportunities for water-oriented recreation. They are the pride of San Francisco's views and the source of the City's agreeable climate.

"'The recreation potential of the shoreline, however, has yet to be realized. San Francisco's shoreline accommodates several uses including open space, military, port, industrial and commercial uses. Despite the fact that a sizable proportion of the shoreline is in public ownership, access to the water, except at the ocean, is sporadic and limited; very little of the eastern shoreline and northern waterfront has been developed for recreation and open space.

"'The challenge facing the City is to add more open space along the Bay while maintaining other essential waterfront uses.'

"Second, we believe the most significant problems that may arise so far as BCDC is concerned are with those areas where Bay filling may be sought as a means of providing new shoreline recreation and open space. Under the law, some filling for these purposes may be permitted by BCDC, but rather than try to elaborate on the provisions of the law in this brief summary, we would simply point out that we fully share the objectives of the Plan and will be glad to work with your staff on further planning for any shoreline areas where filling is sought. Under the law, we are of course also concerned with provisions of shoreline public access where no filling is involved, and we will be glad to work with your staff on detailed planning for these areas as well."

Mr. Roberts also submitted a three-page outline of comments on specific aspects of the Improvement Plan for Recreation and Open Space which had been prepared by the staff of the Bay Conservation and Development Commission.

Harold Sellman, [illegible] stated that if [illegible] parking lots have been constructed along [illegible] Beach [illegible] San Francisco will be faced with a "beachless" beach in the near future. He also displayed photographs which he had taken to illustrate the fact that debris from apartment house construction is being dumped on certain areas of Ocean Beach.

Commissioner Farrell inquired about the location in which the debris is being dumped. After Mr. Sellman replied that the debris is being dumped on the Beach opposite Fleishhacker Pool, Commissioner Farrell pointed out that erosion problems have developed in that area and that chunks of concrete had been deposited to control the erosion.

Mr. Sellman stated that the erosion now taking place could have been avoided if proper programs had been followed in the past; and he remarked that the debris which has been deposited on the beach makes it impossible for people to traverse the beach unless they are willing to wade in the water.

Nina H. Bloesser [illegible] representing the San Francisco Conservation Committee of the San Francisco Bay Chapter of the Sierra Club, read and submitted the following prepared statement:

"Starting at the Northwest edge of the city, Ocean Beach and parts of the Presidio will soon be under the jurisdiction of the new Golden Gate National Recreation Area. Hopefully the National Park Service will see fit to preserve the status quo with as much as possible of the area preserved as natural open space with sport fishing, beachcombing, views of the ocean, easy access on foot, by bicycle and on horseback as prime features, with auto parking held to its present limits. The 2 major sewage plants, one at the west end of Golden Gate Park and one proposed east of Skyline Boulevard near Lake Merced, should be as inconspicuous as possible with the new one placed on as small an area as is feasible, ideally even underground with the surface returned to open space. Within Golden Gate Park, there should be no further building; each additional structure shrinks the area remaining for outdoor recreation. Approval has been granted for an addition to the California Academy of Sciences, but agreeably [illegible] building will not take up any more space than the Academy is using now. [illegible] natural beauty in the area of the Academy is not destroyed by construction. There will be more [illegible] and plants and room to enjoy them all. [illegible] quotation is from the San Francisco Chronicle of December 15, 1972, and it holds true!

"Along the same lines of not building on open space, land which is now owned by the Redevelopment Agency near Diamond Heights in Glen Canyon should be purchased by the San Francisco Recreation and Park Department and made a permanent part of Glen Canyon Park. Miraloma Rocks in Glen Canyon should be especially protected and preserved in their present natural state; they form the only popular site within the City limits for rock climbing practice and as such are a real asset to the City. Many rock climbers begin at locales such as this and progress to becoming well-known mountaineers. Other cities have considered a climbing rock valuable enough to model a substitute, because they were without the advantage of an appropriate natural rock. But San Francisco is

favored and can remain so with proper care.

"For a long time, Galileo High School, which covers 2 square blocks, has been over-crowded and some of its students have been attending classes in temporary buildings at Fort Mason. With the transfer of Fort Mason to the Department of the Interior, the temporary buildings may be removed. If so, Galileo could be allowed to establish its athletic fields at Fort Mason. The Fort could retain its open space character and the fields could be used by the public during non-school hours. However, additional classrooms for Galileo should not be constructed at Fort Mason, but instead should occupy the site of the present gymnasium and athletic field and, if necessary, replace the present building with a larger, more modern one. Consideration should be given to the use of all school playgrounds after school hours by the public. It would greatly increase area available for recreational use.

"This might, in fact, become a partial answer to the question asked earlier by this Commission of where parks can be created South of Market. Two more suggestions stimulated by newspaper articles come to mind. Community gardens can be started and maintained by cooperating neighborhood volunteers on vacant City land or private lots (with permission). Such a program would, for many, be a pleasant way to pass the time in an attractive site and would only require minimal funds to be expended by the City. A good example of a vacant lot mini-park has been operating well at Sutter and Buchanan for many months. Beyond looking most attractive, green plants produce oxygen during photosynthesis and thus can reduce air pollution if maintained in sufficient quantity.

"Secondly, property owned by the State Division of Highways, including that under freeways, that is and will be idle for years, should be made available to the public as parks. While shady, a few well-placed sturdy benches and tables would make a place for elderly residents to play cards or chess or picnic in sheltered nooks.

"One serious stumbling block in the implementation of the Plan for Recreation and Open Space may be funding. Some funds may come from revenue sharing monies, part of which have been expressly designated for these activities. When City owned parcels become part of the Golden Gate National Recreation Area, the funds formerly spent for their upkeep may be redirected. The responsibilities of the City's Recreation and Park Department have been increasing; their funding has not kept up. Stress in hiring of minority individuals, and priority placement of expanded park areas close to neighborhoods which are park-poor (and tend to have predominantly minority residents) may ease tensions of inequality suffered by these citizens.

"The above suggestions indicated some aid in alleviating major city problems. It should be noted that the maintenance of more than

adequate parks has multiple benefits probably not realized on first consideration. In appreciation of the privilege of being able to appear here today, I want to compliment the Commission on the very sizable undertaking of a master plan for open space and recreation, an essential plan which needs the greatest of care to guide a vital facet of every man's life.

"Additionally, the presevation of what is now open space on the Presidio of San Francisco should be given the highest priority. Only a small portion of this irreplaceable asset will become part of the Golden Gate National Recreation Area. Earlier attempts to build on that open space such as El Polin and Lobos Creek schools and a Food and Drug Administration building have been successfully countered, but the Army is planning a 'Chinese wall' of buildings at the eastern end of Crissy Field which will prevent the future connection of Crissy Field with the Marina Green and the rest of the Golden Gate National Recreation Area. The agreement between the Army and the City is not a very effective instrument for 'watch-dogging' the situation and should be recognized as such."

Rae O'Leary, 1619 - 48th Avenue, remarked that having four lanes of traffic on the Great Highway is like having a freeway through Golden Gate Park. She felt that it should be redesigned as a park road with one traffic lane in each direction and a speed limit of 25 miles per hour. Furthermore, she felt that parking bays, which destroy the pristing beauty of the area, should be eliminated.

Commissioner Ritchie asked Ms. O'Leary what suggestion she could make for rerouting traffic which presently uses the Great Highway. Ms. O'Leary replied that the Great Highway is used as a "freeway" by residents of Daly City; and she pointed out that the Southern Freeway should adequately serve that purpose. She stated that people who live in the Sunset District do not use the Great Highway; and she felt that the citizens of San Francisco should be able to use the roadway along Ocean Beach for leisurely driving.

At this point in the proceedings, Commissioner Rueda absented himself from the meeting room for the remainder of the meeting.

John Bardis, representing the Innner Sunset Action Committe and the Sunset Heights Improvement Club, stated that he wished to comment on matters which had not been mentioned during the Commission's public hearing on the Improvement Plan for Recreation and Open Space in December. His first proposal was that a traffic light be installed at the intersection of Fifth Avenue and Lincoln Way. He noted that a pedestrian entrance to Golden Gate Park is provided at that intersection; however, in view of the fact that Lincoln Way is becoming a "freeway," it has become increasingly difficult for pedestrians to cross the street safely going to or from the Park. The Improvement Plan for Residence had recommended that school yards be open to the public when they are not being used for school purposes; however, he felt that recreational facilities on State and Federal properties, such as the Presidio and at San Francisco State College, should also be available to the citizens of San Francisco during non-peak hours. He felt that the greatest omission of the Improvement Plan for Recreation and Open Space, in terms of preserving open space in

the City was its failure to recognize that local streets in fact provide our most abundant source of open space. In that regard, he noted that the University of California Medical Center had already covered Arguello Boulevard with a parking garage, and he anticipated that the medical center will build over Fourth Avenue, also. In conclusion, he stated that the members of the associations which he represented were opposed to the loss of any additional open space on Mt. Sutro; and he felt that the Improvement Plan for Recreation and Open Space should have pointed out the importance of preserving all of the remaining open space in that area.

Pat Siegel, representing the Inner Sunset Community Improvement Association and the "Yellow Gang" Child Care Center, pointed out that page 24 of the Improvement Plan for Recreation and Open Space states that "easy, safe and convenient access should be provided to all recreational facilities." She stated that she is involved in a program in which children are taken to Golden Gate Park on a daily basis; and she felt that a stop-light should be installed at Fifth Avenue and Lincoln Way to improve access to the Park. Inquiries had been made about installation of a traffic signal at the intersection; however, the response given was that nothing would be done until a serious accident occurs. In the meantime, people wishing to cross Lincoln Way with a stop-light must go to Seventh Avenue; and very little sidewalk space is available at that intersection. Cross-walks exist at Third Avenue and at Arguello; however, the pedestrian islands which interrupt the cross-walks make crossing difficult for parents with children in strollers. Under the circumstances, the best solution to the problem would be to install a stop-light at Fifth Avenue to facilitate pedestrian access to Golden Gate Park.

Commissioner Ritchie requested the staff of the Department of City Planning to prepare a letter to the appropriate City department inquiring about the feasibility of installing a stop-light at the intersection of Fifth Avenue and Lincoln Way.

Sister Beverly Karnatz, representing Better Parks and Recreational Facilities in Chinatown, indicated her support of the general policies and objectives of the Improvement Plan for Recreation and Open Space which related to Chinatown; and she hoped that some of the specific projects recommended on pages 27 and 28 of the "Programs" section of the report could be achieved by the end of the current year with the cooperation of Department of City Planning and the Recreation and Parks Department. She remarked that the recently completed 701 Chinatown Study had recommended that open space should be provided near the waterfront for organized recreational activity; however, in its recommendation that piers 9 through 35 should be retained in maritime use, the Improvement Plan for Recreation and Open Space had failed to reflect the recommendations of the earlier study. She stated that a successful recreational program had been carried out in Chinatown with the participation of the Recreation and Park Department; however, she felt that other meaningful programs could be developed with the cooperation of the Housing Authority and the Unified School District. The Ping Yuen project provides some open space;

however, since no equipment is available for recreation, the open space is little used. The Housing Authority had been requested to install basketball and volley ball equipment for the project; however, no positive steps had been taken by that agency to follow through on the request. Recreational facilities are also needed for senior citizens in Chinatown. While the emphasis of the staff report is on open space, she pointed out that there is very little opportunity to acquire additional open space in Chinatown; and, therefore, she felt that the development of creative recreational programs for that neighborhood is essential. People from the financial district use tennis courts in Chinatown; and she suggested that some of the high-rise buildings in the financial district should be encouraged to provide tennis courts on their roofs so that tennis courts in Chinatown will be available for use by residents of the neighborhood.

Walter Knox, representing the Area Planning Agency for the Aging, advised the Commission that a vacant parcel of property exists in the vicinity of Clementina Towers; and it was his suggestion that the property be made available for use by residents of Clementina Towers as a small park until it is needed by the Redevelopment Agency for other purposes. He displayed a small model which he had prepared to illustrate how the park might be developed; and, in response to a question raised by Commissioner Ritchie, he stated that the residents of the Clementina Towers could perform the work involved by themselves. He also displayed another model which he had prepared to illustrate how land beneath and adjacent to the Central Freeway in the vicinity of the Hall of Justice could be developed for use by people who now spend their time on Sixth Street. He stated that trees are already growing on the site; and he felt that construction of benches, tables for card players, and a horseshoe court would be desirable features for the park.

Commissioner Mellon questioned whether the property which Mr. Knox had mentioned receives sufficient sunlight to make it suitable for park purposes. Mr. Knox assured him that the property does enjoy some sun.

Commissioner Ritchie requested that letters be written to the Redevelopment Agency and the State Division of Highways to inquire about the feasibility of following through on the two suggestions which had been made by Mr. Knox.

Jacques Kourkene, 3559 Jackson Street, noted that he had appeared before the Commission during its hearing on December 12 to present a proposal for creation of an artificial lagoon and beach fill along Ocean Beach from Playland to Fleishhacker Pool; and he indicated that he wished to submit a written statement of his proposal and an ecological and economic analysis of it to the Commission with the hope that the proposal would be included in the final version of the Improvement Plan for Recreation and Open Space.

Commissioner Ritchie pointed out that a number of the previous speakers had urged the Commission to preserve Ocean Beach in its natural state; and he pointed out that implementation of the plan which Mr. Kourkene had proposed would have the opposite effect.

Mr. Kourkene stated that he felt that his plan would enhance the area.

Sherri Thorpe, representing the Area Planning Agency for the Aging, advised the Commission that a meeting will be held on March 10 to consider recommendations for a regional citizens forum.

President Newman requested that any further comments which the public might wish to make regarding the Improvement Plan for Recreation and Open Space be submitted to the staff of the Department of City Planning not later than February 1 so that they can be considered in the revision process. After that date, the staff will begin to prepare a response document which will indicate the changes to be made in the plan. He stated that the staff will continue to meet with individuals and community groups in an effort to reach a consensus on the changes to be recommended; and he indicated that the staff response and the proposed changes should be available to the public early in April.

Thomas Malloy, Executive Assistant to the Director of the Recreation and Park Department, stated that he had appreciated the opportunity to attend the public hearings which had been held by the City Planning Commission; and he indicated that the staff of his department would cooperate with the staff of the Department of City Planning during the review and revision process.

At 5:45 P.M. President Newman announced that this matter would be taken under advisement and that the public hearing would be continued until the Commission's Regular Meeting on May 10, 1973.

Respectfully submitted,

Lynn E. Pio
Secretary

ABJ

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Special Meeting held Friday, January 12, 1973.

The City Planning Commission met pursuant to notice on Friday, January 12, 1973, at 9:00 a.m. in the meeting room at 100 Larkin Street.

PRESENT: Walter S. Newman, President; Mrs. Charles B. Porter, Vice-President; John C. Farrell, Thomas J. Mellon, and Hector E. Rueda, members of the City Planning Commission.

ABSENT: Mortimer Fleishhacker and John Ritchie, members of the City Planning Commission.

The staff of the Department of City Planning was represented by Allan B. Jacobs Director of Planning; R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator); Samuel Jung, Planner IV; Calvin Malone, Planner III, and Lynn E. Pio, Secretary.

Maitland Zane represented the San Francisco Chronicle.

REVIEW OF CAPITAL IMPROVEMENT PROJECTS FOR SIX-YEAR PROGRAM FROM 1973-74 THROUGH 1978-79.

Allan B. Jacobs, Director of Planning, opened the meeting by reading the following prepared statement:

"This morning, the City Planning Commission is holding its annual review of departmental submissions proposed for inclusion in the Capital Improvement Program for 1973-74- through 1978-79.

"The function of the Commission in this review is to determine the relationship of the capital improvement projects to the Master Plan, to assign general priority ratings to the various projects, to adopt where necessary appropriate policy statements to clarify the Commission's concerns on specific matters for later reviewing bodies and to issue on or before the 20th day of January, a report recommending a program of capital improvements based on the projects submitted by the various departments and agencies.

"For this year's program, there is a slight change in the assignment of general priority ratings. The 'Essential' or 'A' priority rating applies only to a project recommended for the first year of the program except where concept concurrence is given to a proposed bond program. The reason for this change is to focus attention on those most significant projects recommended for budget year funding. It is of utmost importance to those projects proposed for funding from ad valorem and sales taxes. For example, last year, $17.6 million was recommended to fund budget year requests. Of this amount, only $1.9 million was actually allocated. While there are many meritorius projects proposed in the program, the

City simply does not have the financial resources to fund all of them. Therefore, the 'Essential' rating applies to a select group which are recommended for budget year funding. We recognize that even this group of projects totals more than the amount funded last year, but the suggested program represents an attempt to develop a balanced schedule of capital improvements which reflect the City's needs and its fiscal capabilities. I trust the various departments and agencies will appreciate this fiscal restraint as we review the schedules which are now before us.

"Before turning this meeting over to Mr. Jung, who will present a brief summary of the program, I would like to thank the various departments and agencies who have participated with my staff in the development of this year's capital improvement program."

Calvin Malone, Planner III, reviewed the new projects which had been submitted by the Assessor, the City Attorney, the Department of City Planning, Civil Service, the Controller, Emergency Services, the District Attorney, the Fire Department, the Mayor, the Municipal Court, the Police Department, the Social Services Department, the Redevelopment Agency, the Sheriff's Department, the Superior Court, the Board of Supervisors, and the Juvenile Court as they appeared on Pages D-1 through D-27 of the staff report dated January 12, 1973.

During the course of the presentation, Commissioner Porter asked why project 119.73.201, calling for a six million dollar bond issue for open space acquisition and development in North, Central and South Waterfront areas as well as on selected interior locations, had been submitted by the Department of City Planning rather than by another Department. The Director stated that the Board of Supervisors had requested the Department of City Planning to follow-up on recommendations made in the Master Plan for open space improvements along the waterfront; and inclusion of the proposal in the Capital Improvement Program seemed to be the best way of starting. He stated that the properties would be acquired by the Real Estate Department rather than by the Department of City Planning. Commissioner Mellon stated that the approach being taken by the staff was proper.

Ed Joyce, representing the Department of Emergency Services, expressed concern about the fact that the staff had recommended a "hold" rating for project 131.72.101 calling for construction of an underground emergency operating center at Christmas Tree Point on Twin Peaks. The Director stated that the staff did not question the need for the new facility; however, he felt that the location indicated should be subject to further review. Since the project will not be initiated until 1974-75, ample time will be available to review the matter and to revise the priority rating.

Carol DeSilva represented the Sheriff's Department and urged approval of the projects relating to the county jails.

After discussion it was moved by Commissioner Porter, seconded by Commissioner Rueda, and carried unanimously that the projects for the Departments which had been reviewed by Mr. Malone be approved as in conformity with the Master Plan subject to the recommendations and notes contained in the staff report.

Mr. Malone then reviewed the projects which had been submitted by the California Academy of Sciences as they appeared on pages D-28 and D-29 of the staff report.

The Director noted that projects 213.67.301, 213.73.101, 213.67.302, and 213.67.116, calling for new construction, had been given a "hold" rating. He stated that the City Planning Commission, during its capital improvement review in 1968, had adopted the following policy statement: "New construction involving enlargement of floor areas should be deferred pending the development of a Master Plan for Golden Gate Park. This plan should be a joint study by the Recreation & Park, City Planning, Police and Fire Departments; the Municipal Railway; the DeYoung Museum and the Academy of Sciences." Because of that policy, and because no Master Plan for Golden Gate Park had yet been prepared, the staff had assigned a "hold" rating to all projects involving new construction in the park.

Dr. George Lindsay, Director of the California Academy of Sciences, introduced the members of his Board of Directors who were present and their architect. He stated that the California Academy of Sciences had been placed in Golden Gate Park as a result of a vote of the people in 1910; and it has become the most important cultural facility in the Park. The Academy has been in need of an access from Middle Drive; and the appearance of the buildings is in need of improvement. Approximately one year ago, the expansion plans for the Hall of Man and the Fish Roundabout Building had been discussed with Mayor Alioto and with the President of the Recreation and Park Commission, both of whom had endorsed the proposal. Subsequently, an architect had been retained to prepare plans for the new construction; and the plans had been approved unanimously by both the Recreation and Park Commission and the Art Commission. The expansion projects would be paid for by private contributions. However, most private contributions have a termination date; and in the present case, June 30 has been set as the termination date for a one million dollar contribution which would be used to help construct the Hall of Man. He stated that the projects had appeared previously in the Capital Improvement Program; and he felt that it was obvious that the California Academy of Sciences, which is only a tenant in the park and not its custodian, could not presume to develop a Master Plan for the entire park. Under the circumstances, he urged the Commission to remove the "hold" rating from projects 213.67.301 and 213.73.101.

Commissioner Porter stated that it was her impression that the California Academy of Sciences does have a Master Plan for its own facilities. Dr. Lindsay acknowledged that the California Academy of Sciences does have its own Master Plan; however, he emphasized that the staff had recommended a "hold" rating for the projects because no Master Plan exists for Golden Gate Park, a matter over which the California Academy of Sciences has no control.

Commissioner Porter then asked when the Recreation and Park Commission will have completed a Master Plan for Golden Gate Park. Thomas Malloy, Executive Assistant to the General Manager of the Recreation and Park Department, stated that it was unlikely that a completed Master Plan would be available within the next fiscal year. He stated that the Recreation and Park Commission had requested funding for such a project; however, the funds had been deleted from the budget by the Board of Supervisors. In response to a further question raised by Commission Porter, he stated that it would not be possible to undertake the study unless funds are obtained.

Commissioner Mellon asked if the plans which had been prepared for the reconstruction project at the Academy of Sciences would place all outdoor service facilities under cover. Dr. Lindsay replied in the affirmative and indicated that only 3,900 square feet of park land not previously used would be required for the expansion projects. Following the new construction, the California Academy of Sciences' buildings will be more attractive and will blend better with the park.

President Newman asked if construction of the buildings presently being proposed would complete the Academy of Sciences' Master Plan. Dr. Lindsay replied in the negative, indicating that the Capital Improvement Plan also contained a project calling for additional construction in the fiscal year 1977-78.

Commissioner Porter asked if the California Academy of Sciences' Master Plan had been on file with the Department of City Planning. Dr. Lindsay replied in the affirmative and indicated that the Master Plan had called for more expansion than was now being proposed.

Commissioner Farrell asked how much money would be needed to prepare a Master Plan for Golden Gate Park. Mr. Malloy replied that the study would probably cost between $50,000 and $100,000.

Commissioner Farrelll then asked if sponsors of the California Academy of Sciences might be willing to donate money for preparation of the Master Plan. He noted that the California Academy of Sciences and the DeYoung Museum are the two institutions which are most likely to propose new construction in the Park.

Dr. Lindsay replied that funds which are donated to the California Academy of Sciences must be used as directed; and he did not feel that the Academy should sponsor a Master Plan for the Park as a whole. In any case, funds will have to be committed for the proposed construction projects before any Master Plan for Golden Gate Park could possibly be completed.

Commissioner Porter stated that she would be inclined to recommend that the proposed construction projects be deferred if City funds were involved; however, in view of the fact that private contributions would be used, and in view of the fact that the private contributions are subject to a June 30 termination date, she indicated that she was sympathetic to Dr. Lindsay's request for changes of rating.

Commissioner Mellon remarked that three years had elapsed since the Commission had adopted a policy calling for preparation of a Master Plan for Golden Gate Park; and, although the Master Plan had not yet been prepared, plans for the proposed project had been reviewed and approved by the Recreation and Park Commission. The proposed project would result in tremendous improvement of the Academy's facilities at no cost to the City; and he did not feel that the projects should be blocked at this point.

Mr. Malloy stated that he had been directed by his Commission to state that they had approved the proposed projects.

President Newman stated that he agreed with Commissioners Porter and Mellon that the projects should be approved; however, he felt that the Commission should advise the Recreation and Park Commission that approval of any further new construction in the Park would be withheld pending completion of a Master Plan for the Park.

After further discussion it was moved by Commissioner Mellon, seconded by Commissioner Porter, and carried unanimously that the priority rating of projects 213.67.301 and 213.73.101 be changed from "hold" to "essential".

Subsequently, it was moved by Commissioner Mellon, seconded by Commissioner Porter, and carried unanimously that the projects submitted by the California Academy of Sciences be approved as in conformity with the Master Plan subject to the recommendations and notes contained in the staff report, as modified.

Mr. Malone reviewed the new projects which had been submitted by the Chief Administrative Officer, the Director of Finance and Records, and the Department of Electricity as they appeared on pages D-30 through D-32 of the staff report.

Burton H. Dougherty, General Manager of the Department of Electricity, expressed concern about the fact that project 233.73.102, calling for construction of third antenna tower for public safety service on Twin Peaks, had been given a "hold" rating. He urged that the project be given an "essential" rating and that it be included for funding in the 1973-74 fiscal year. Mr. Malone stated that the staff of the Department of City Planning had felt that too many questions relating to the project remained unanswered to justify inclusion of the project in the Capital Improvement Program for 1973-74.

Commissioner Rueda asked if it would be possible for the Department of Electricity to use the new tower being constructed on Mt. Sutro instead of building a third tower on Twin Peaks. Mr. Dougherty replied in the negative, indicating that the central ratio station is located on Twin Peaks rather than Mt. Sutro. He also stated that the two existing towers are presently loaded to capacity. Commissioner Farrell asked what rating would have been recommended for the project if all the questions had been resolved. Mr. Malone replied that the staff would have recommended an "essential" rating for fiscal year "1973-74". He stated that there is no question that a third tower is needed; however, because of the sensitive nature of towers in San Francisco, the staff felt that all questions should be answered before the project is recommended for funding.

Commissioner Mellon asked if failure to construct the third tower would jeopardize the public safety services. Mr. Dougherty replied in the affirmative. Commissioner Mellon then indicated that he would support Mr. Dougherty's request to change the priority rating of the project.

Commissioner Porter stated that it appeared to her that the tower is badly needed; and, since an Environmental Impact Report would be required for the project in any case, she felt that sufficient opportunity would be available for discussion of the proposal.

President Newman asked if the towers are used exclusively by City ambulances or if they are also used by private ambulances. Mr. Dougherty replied that the towers are used by city-owned and private ambulances as well as by other departments

Commissioner Porter assumed that the staff of the Department of City Planning was concerned about the design or the location of the proposed tower. If the problem was one of location, she wondered what alternatives would be available.

Mr. Dougherty replied that it would not be feasible to construct the new tower in any other location; and he emphasized that public safety service communications would be in serious trouble if the tower is not built.

After further discussion it was moved by Commissioner Mellon, seconded by Commissioner Farrell, and carried unanimously that the priority rating of project 233.73.102 be changed from "hold" to "essential" and that the project be reflected in fiscal year 1973-74 instead of in fiscal year 1974-75.

Subsequently, it was moved by Commissioner Porter, seconded by Commissioner Rueda, and carried unanimously that the new projects for the Chief Administrative Officer, the Director of Finance and Records, and the Department of Electricity be approved as in conformity with the Master Plan subject to the recommendations and notes contained in the staff report, as modified.

Mr. Malone then reviewed the new projects which had been submitted by the Real Estate Department, the Tax Collector, the Purchasing Department - Central Shops, the Department of Public Works - General Office, the Department of Public Works -- Sanitation, the Department of Public Health, the California Palace of the Legion of Honor, the M. H. DeYoung Memorial Museum, the Center of Asian Art and Culture, and the Public Library as they appeared on pages D-33 through D-57 of the staff report.

Joseph Mignolia, Jr., Assistant Director of Public Health for Hospital Services, stated that he had no objections to the recommendations which had been made by the staff of the Department of City Planning for projects submitted by his department.

Daniel Friedman, Executive Secretary for the M. H. DeYoung Memorial Museum, requested that certain projects submitted by the California Palace of the Legion of Honor and the M. H. DeYoung Memorial Museum be given higher priority ratings than those which had been recommended by the staff of the Department of City Planning.

The Director stated that he did not disagree that the projects which Mr. Friedman had mentioned would be desirable; however, in terms of the overall capital improvement program, he doubted that they should be rated as "essential". In any case, no projects which were not proposed for funding in the next fiscal year had been given an "essential" rating.

After discussion, it was moved by Commissioner Porter, seconded by Commissioner Farrell, and carried unanimously that the projects which had just been described by Mr. Malone and which appeared on pages D-33 through D-57 of the staff report be approved as in conformity with the Master Plan subject to the recommendations and notes contained in the staff report.

Mr. Malone reviewed the new projects which had been submitted by the Recreation and Park Department as they appeared on pages D-58 through D-69 of the staff report.

Commissioner Porter noted that the projects which had been submitted by the Recreation and Park Department did not include a request for funds for preparation of a Master Plan for Golden Gate Park. Mr. Malone stated that a request for those funds would be made in a supplemental budget. After discussion, the Commission requested that a letter be sent to the Recreation and Park Department expressing its desire to have a Master Plan prepared for Golden Gate Park as soon as possible.

Tom Malloy, Executive Assistant to the General Manager of the Recreation and Park Department, stated that project 656.71.101, for recreation and park facilities in the Hunter's Point Redevelopment Project area had indicated that $1,052,000 would be spent during fiscal year 1973-74; however, he had been advised by the Redevelopment Agency that the expenditure for the next fiscal year will be reduced to $230,000 with the remainder of the funds being shifted to fiscal year 1974-75. Mr. Malloy also noted that the staff of the Department of City Planning had assigned a "desirable" rating to project 656.69.107 for installation of an automatic irrigation system in the northeast section of Golden Gate Park. He stated that the Mayor had allocated revenue sharing funds for the project; and he noted that $500,000 had already been spent to landscape the area. Under the circumstances, he requested that the priority rating of the project be changed to "essential".

After discussion it was moved by Commissioner Mellon, seconded by Commissioner Porter, and carried unanimously that the rating of the project be changed from "desirable" to "essential".

Mr. Malloy remarked that project 656.73.103 called for a $10,000,000 Recreation and Park improvement bond issue in the fiscal year 1973-74. He stated that the bond issue will not necessarily be proposed during that fiscal year; however, in case they do wish to proceed with the proposal, it was important that it should be reflected properly in the Capital Improvement Program. He also asked the record to show that the Recreation and Park Department was appreciative of the efforts made by the staff of the Department of City Planning in bringing the needs of the Recreation and Park Department to the attention of the Mayor in the course of revenue sharing discussions.

After further discussion it was moved by Commissioner Porter, seconded by Commissioner Mellon, and carried unanimously that the projects submitted by the Recreation and Park Department, as they appeared on Pages D-58 through D-69 of the staff report, be approved as in conformity with the Master Plan submit to the recommendations which had been contained in the staff report, as modified.

Mr. Malone described a new project which had been submitted by the Community College District involving a $50,320,000 bond issue for new construction and modernization of facilities at City College, the Downtown Continuing Education Center, and the Community Education Centers. He stated that a "hold" rating had been assigned to the project; and a policy statement had been recommended which read as follows: "No large scale capital outlay for the community education centers should be undertaken until a development plan for these facilities is prepared and submitted to interested City boards, commissions, and officers for their consideration."

Dr. Batmale, President of the Community College District, hoped that the "hold" rating was as not as onerous as it sounded. He stated that adequate housing is badly needed for community college district facilities; and he indicated that the projects proposed would be funded 34% by the State of California. He stated that he hoped to continue to work closely with the staff of the Department of City Planning in preparation of a development plan for the proposed facilities.

After discussion it was moved by Commissioner Porter, seconded by Commissioner Farrell, and carried unanimously that the project submitted by the Community College District be approved as in conformity with the Master Plan subject to the recommendation and note contained in the staff report.

Samuel Jung, Planner IV, described the new projects which had been submitted in the six trafficways categories by the Department of Public Works as they appeared on pages D-71 through D-98 of the staff report.

Richard Evans, representing the Traffic Engineering Bureau of the Department of Public Works, inquired about the "hold" rating which had been assigned to project 672.73.105. He stated that his department had made a mistake in submitting the project and had indicated that the project would involve installation of traffic signals and traffic channelization while, in reality, the project would involve construction of apedestrian passageway.

The Director stated that he would be willing to recommend an "essential" rating for the project. He also recommended that four projects appearing on page D-93 be given a "desirable" rating in place of the "essential" rating indicated in the staff report because the projects will not be funded during the next fiscal year.

After further discussion it was moved by Commissioner Porter, seconded by Commissioner Farrell, and carried unanimously that the projects for the six trafficways categories be approved as in conformity with the Master Plan subject to the recommendations and notes contained in the staff report, as modified.

Mr. Malone reviewed the new projects which had been submitted by the War Memorial and Museum of Art, the Airports Commission, the Municipal Railway, the Water Department and the Hetch Hetchy System, as they appeared on pages D-99 through D-116 of the staff report. After discussion, it was moved by Commissioner Porter, seconded by Commissioner Mellon, and carried unanimously that the projects which had just been reviewed by Mr. Malone be approved as in conformity with the Master Plan subject to the recommendations and notes contained in the staff report.

Mr. Malone then reviewed the new Capital Improvement Projects which had been submitted by the Port Commission as they appeared on pages D-117 through D-121 of the staff report.

John Yeoman, Controller for the Port Commission, requested that project 775.73.101, calling for a Port Improvement Bond in the amount of $41,410,000, be carried in fiscal year 1974-75 rather than in the fiscal year 1973-74 as shown in the staff report. Mr. Malone stated that he would be willing to make that change.

After further discussion it was moved by Commissioner Porter, seconded by Commissioner Rueda, and carried unanimously that the projects which had been submitted by the Port Commission be approved as in conformity with the Master Plan subject to the recommendations and notes contained in the staff report, as modified.

The meeting was adjourned at 11:55 a.m.

Respectfully submitted,

Lynn E. Pio
Secretary

ABJ

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, January 18, 1973.

The City Planning Commission met pursuant to notice on Thursday, January 18, 1973, at 2:00 p.m. in the meeting room at 100 Larkin Street.

PRESENT: Mrs. Charles B. Porter, Vice President; John C. Farrell, Thomas G. Miller, John Ritchie, and Hector E. Rueda, members of the City Planning Commission.

ABSENT: Walter S. Newman, President; and Mortimer Fleishhacker, members of the City Planning Commission.

The staff of the Department of City Planning was represented by Allan B. Jacobs, Director of Planning; R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator); Robert Passmore, Planner V (Zoning); Peter Svirsky, Planner V (Zoning); Wayne Rieke, Planner IV (Zoning); Sidney Shaw, Planner III; Franz von Uckerman, Planner III; William Duchek, Planner II; and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner, Ralph Craib represented the San Francisco Chronicle.

APPROVAL OF MINUTES

It was moved by Commissioner Rueda, seconded by Commissioner Miller, and carried unanimously that the minutes of the meeting of December 14, 1972, be approved as submitted.

At this point in the proceedings, Commissioner Ritchie arrived in the meeting room and assumed his seat at the Commission Table.

ELECTION OF OFFICERS

It was moved by Commissioner Ritchie, seconded by Commissioner Rueda, and carried unanimously that Walter S. Newman be re-elected to the office of President of the City Planning Commission and that Mrs. Charles B. Porter be re-elected to the office of Vice-President of the City Planning Commission.

CURRENT MATTERS

Allan B. Jacobs, Director of Planning, recommended the adoption of a draft resolution which he had prepared for approval of a request for a supplemental approriation in the amount of $7,411.00 for the 2.119.200.000 (Contractual Services) appropriation of the Department of City Planning. After discussion, it was moved by Commissioner Miller, seconded by Commissioner Farrell, and carried unanimously that the draft resolution be adopted as City Planning Resolution No. 6953.

The Director noted that he had sent to members of the Commission copies of a proposed amendment to the City Planning Code which had been transmitted to the Board of Supervisors in 1968 concerning the definition of "family".

Commissioner Porter requested that the proposed amendment be summarized.

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), stated that the definition of a "family unit" presently in use reads as follows: "One or more persons occupying the premises and living therein as a single and separate housekeeping unit. A group occupying a boarding house, fraternity, club, hotel, or motel shall not be deemed to be a family as the term is used in defining a dwelling unit." The amendment proposed by the City Planning Commission in 1968 would change the definition to read as follows: "A single and separate living unit, consisting of either: (a) one person or two or more persons related by blood, marriage, or adoption or by legal guardianship pursuant to court order; plus necessary domestic servants and not more than three roomers or boarders; or (b) a group of not more than five persons unrelated by blood, marriage or adoption or such legal guardianship. A group occupying a fraternity house, club building, hotel, motel, or any other building or portion thereof other than a dwelling, shall not be deemed to be a family." Mr. Steele also advised the Commission that a new State law will go into effect on March 6 relating to care homes in residential districts; and he indicated that another amendment proposed by the City Planning Commission in 1968, but not yet acted upon by the Board of Supervisors, would satisfy the requirements of the new State law. Under existing code provisions, family care homes for retarde or handicapped persons are considered to be semi-institutional and are not permitted in single-family zoning districts but only in two-family and less restrictive districts. The amendment previously proposed by the Commission would specify that a duly licensed foster home or family care home with a maximum of six persons would be permitted in R-1-D and R-1 zoning districts.

Commissioner Ritchie asked if he were correct in understanding that a request to the Board of Supervisors asking that the proposed amendments be revived would not involve placing any new issue before that body for consideration. Mr. Steele replie that it would not.

Commissioner Miller asked if the revised family definition would have any effec on mother-in-law apartments in R-1 districts. Mr. Steele replied in the negative, indicating that legal mother-in-law apartments are considered as separate dwelling units.

Commissioner Rueda asked if the number of rooms available would have any effect on the code definition of a single family. Mr. Steele replied in the negative, indicating that the relationship between the number of rooms in a dwelling unit and the number of occupants permitted is governed by the Housing Code.

After further discussion it was moved by Commissioner Ritchie, seconded by Commissioner Rueda, and carried unanimously that the Board of Supervisors be requested to reactivate consideration of the two amendments which were proposed by the City Planning Commission in 1968.

Commissioner Ritchie, noting that the Commission, at its meeting last week, had discussed complaints regarding use of two R-1-D properties in Pacific Heights by the Delancey Street Foundation, asked if any new developments had occurred. Mr. Steele replied that he had just signed a "cease and desist" order requiring that use of the properties be brought into conformity with provisions of the City Planning Code by February 19.

The Director informed the Commission that the Finance Committee of the Board of Supervisors, at its meeting on Wednesday, had recommended "do pass" on the Police Department's proposal to fund a position in the Department of City Planning for work on the Police Facilities Master Plan.

The Director called on Robert Passmore, Planner V (Zoning), to introduce a proposed amendment to the City Planning Code to regular building projection over City streets and alleys. Mr. Passmore reported on this matter as follows:

"A distinctive characteristic of buildings in San Francisco, particularly in older residential areas, are small bay windows and richly detailed architectural ornamentation that project over city streets and alleys. This historical building pattern was reinforced until recently by the San Francisco Building Code, which limited the width of bay windows that projected over street areas and required major separation of the bays. However, in 1969 the Building Code was modified to allow building projections of up to four feet in depth for the entire width of a building. That amendment has resulted in numerous new buildings with continuous projections of enclosed building space over city sidewalks.

"Such buildings have brought strongly expressed citizen concern over blockage of views, loss of light and air, and conflict with the existing architectural character of nearby older development. Both the Department of City Planning staff and the City Planning Commission have also expressed concern over the inappropriate design of many of these buildings, and the Commission requested that the staff prepare an appropriate amendment to the City Planning Code to regular building projections over streets and alleys.

"The proposed amendment to the Planning Code would add to the Code a new Article concerning the use of street areas, and would provide provisions for projections over streets and alleys.

"These provisions state that projections over streets and alleys will be allowed by revocable permit, subject to three basic types of regulation:

"1. A basic envelope, as seen in plan view, to set the maximum width and projection of bays and balconies and to set a minimum separation for such projections.

"2. A minimum proportion of the vertical sides of each projection to be in glass (for bay windows) or open area (for balconies), with some of this glass or open area to be placed on the side and front surfaces to provide light, air and views to both the side and front and avoid blank surfaces.

"3. A maximum amount of projection for purely decorative projections, building curbs and buffer blocks, and fire escapes.

"Signs, flag poles, marquees, awnings, canopies, temporary occupancy of street and alley areas during construction, and use of street space below grade remain unaffected by the proposed amendments, and would continue to be regulated by existing provisions of the Planning Code, Building Code and other portions of the Municipal Code.

"The standards for projections over streets and alleys are proposed to apply in identical fashion to projections beyond building set-back lines established under existing Article 4 of the Planning Code, and existing Section 402 of the Code would be amended accordingly.

"If the proposed amendments were made to the Planning Code, it is contemplated that conflicting provisions of the Building Code allowing continuous projections would be eliminated from that Code."

The Director distributed copies of a draft resolution which had been prepared for the Commission to declare its intention to hold a public hearing to consider amendments to the City Planning Code to provide for the regulation of building projections over City streets and alleys and within required front set-back areas adjacent to streets and alleys. The resolution would also authorize the Zoning Administrator to set a time and date for the hearing. He recommended that the draft resolution be adopted.

Vice-President Porter stated that the Plan Implementation Committee of the Commission had met the previous afternoon and had discussed the proposed amendment in depth; and she indicated that it was the concensus of the committee that the proposed amendment would be most advantageous. Commissioner Farrell, also a member of the Committee, agreed and moved that the draft resolution be adopted. The motion was seconded by Commissioner Rueda.

Commissioner Miller asked if any indication had been given by representatives of the Department of Public Works that they would be willing to amend conflicting provisions of the Building Code if the Planning Code amendment presently being proposed were to be approved. Mr. Passmore replied in the affirmative and indicated that certain sections of the Building Code would be deleted if the City Planning Code amendment were to be approved.

Vice President Porter emphasized that the staff of the Department of City Planning had worked with developers in formulating its recommendations for the proposed amendment; and she indicated that those who had been involved seemed to be in accord with the staff recommendations.

When the question was called, the Commission voted unanimously to adopt the draft resolution as City Planning Commission Resolution No. 6954.

The Director then called on Peter Svirsky, Planner V (Zoning), to present a proposed amendment of Section 154 and related sections of the City Planning Code which would modify or delete the present requirement for termination of dwellings in industrial (M-1 and M-2) zoning districts. Mr. Svirsky reported on this matter as follows:

"The second code amendment proposed for hearing, in a report before you, concerns nonconforming dwellings in Industrial districts. It would remove the termination date that now applies to these dwellings.

"This is a provision that dates from 1960, but really it goes back to much earlier in drafting of the citywide rezoning of that time.

"In theory, the termination was intended to remove places of residence from the unpleasant environment of industrial areas, and at the same time to free more land for industry.

"In plain fact, the termination could take away the homes of over 5,000 people, and for that reason the housing policies of the city are in conflict with this earlier code provision.

"The termination date does not fall due until 1980, seven years from now, but it is the staff's view that action should be taken now on an amendment so that owners and residents of this housing will be able to rely on the change, especially in buying properties and in financing. Also, any encouragement that the termination date might give to displacement of the housing by other uses should be taken away.

"For some time now, the staff has contemplated proposing an amendment of this kind, and careful surveys have been made of the properties in question, noting information on the buildings, the residents and the surrounding environment.

"The general location of these dwellings is in the South of Market, the northeast Mission, north and east of Potrero Hill, and in the South Bayshore. There are 616 properties all together, with 1,544 dwelling units. These are shown in orange on the maps. In addition, there are 27 rooming houses and hotels with 753 units, shown in gray, but these are not subject to termination.

"The general conclusions of the surveys, made in 1970 and again last month, are (1) that despite many disadvantages in their environment, the dwellings in Industrial districts are an important and in some cases a sound housing resource, and (2) that the only supportable code amendment would be elimination of the termination date.

"Other amendment possibilities were considered, especially a selective rezoning or a spelling out of conditional use authority, so as to allow continuation of some dwellings while keeping the removal date for others that might somehow be less important to San Francisco's stock of housing. But with all the factors studied, there was no pattern in the housing that might suggest any intermediate change in this kind.

"That is, neither the condition of the housing, the adversity of its environment, nor the characteristics of the residents indicated that some areas or buildings should be given preference to others. The results of the surveys are extremely mixed.

"Nor did it appear that dwellings were keeping land from industrial use in any significant way. Together with the strong need to retain the city's existing stock of housing, especially in larger units for people of lower incomes, this establishes that the assumptions of the 1950's are no longer correct and that the law should be changed.

"Therefore, the recommendation is that a hearing be held on a Planning Code amendment to remove the termination requirement for dwellings in M-1 and M-2 districts."

The Director distributed copies of a draft resolution which he had prepared for consideration by the Commission and recommended its adoption.

Commissioner Miller stated that one of the basic planning principles of the 1950's was that residential units should not be encouraged in industrial districts; and he remarked that the proposed amendment would be in conflict with that principle.

Vice President Porter observed that circumstances change and that planning principles are subject to change, also.

After further discussion it was moved by Commissioner Rueda, seconded by Commissioner Ritchie, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 6955 to declare the Commission's intention to hold a public hearing to consider the proposed amendment. The resolution also authorized the Zoning Administrator to set a time and date for the hearing. Commissioner Miller abstained from voting.

The Director continued his report to the Commission by reading the following statement:

"From time to time in the past few years, I have reported to this Commission certain changes in State law which have affected San Francisco's planning program. Today I am asking CPC approval of certain supplemental budget requests which are necessitated by such changes in State law.

"The State Government Code now requires all cities and counties to prepare and adopt seismic safety and noise elements as part of their master plans. Although specific dates for adoption of these elements have not been officially announced, it is anticipated that adoption will be required by no later than the fall of 1974.

"Over the past few months the staff of the Department has analyzed these new requirements and has prepared general work programs outlining the scope and costs of work which will be necessary to meet the requirements of State law. These work programs have been reviewed by the Comprehensive Plans Committee of this Commission on December __, 1972. Copies were also sent to the City Attorney's Office and the Department of Public Works for their review and comment.

"The City Attorney's Office has informally stated that failure to meet these new State requirements might result in legal action against the City and cut off State and Federal funds for public projects. It might also result in legal action which would block the City from issuing building permits as recently occurred as a result of environmental impact arbitration.

"It should be noted that both of these new requirements are not within the normal purview of expertise of city planners in general. Therefore, in order to prepare these elements, it will be necessary for the Department to obtain outside technical assistance as well as to expand its existing staff.

"In brief, I am asking Commission approval to prepare and submit supplemental appropriation requests for the funds needed for the noise and seismic safety elements. In the case of seismic safety, funds totalling $167,091.85 will be required for use in this and the coming fiscal year. These funds will be used for special consultants services, temporary salaries, and other operational expenses. For the noise element no new in-house staff will be required, but a supplemental budget of $62,000 will be needed to provide the Department with necessary technical consultant services.

"A draft resolution and a copy of the work programs for each of these elements has been given to you for your consideration. In the event you have any specific questions on this matter, Mr. Paul, Mr. Shaw and Mr. Duchek of our staff are present today and would be willing to answer them for you."

The Director advised the Commission that he had received a letter written by Robert C. Levy, City Engineer, for S. M. Tatarian, Director of Public Works, stating that they had reviewed the revised work program and budget for the proposed noise element of the Master Plan and had found the provision therein for cooperation of the two staffs and the proposed funding for DPW activities to be satisfactory. The Director also indicated that a letter had been received from John A. Blume, Chairman of the Seismic Investigation and Hazards Survey Advisory Committee, stating that his committee had reviewed the work program for development of a comprehensive plan seismic safety element and had endorsed the work program. Mr. Blume also urged the Commission to pursue funding for the program so that completion and implementation of the Master Plan element could be expedited.

Vice President Porter, noting that San Francisco is almost completely developed, questioned how preparation of a seismic safety plan could be of any significant benefit unless existing buildings were to be torn down. The Director replied that the seismic safety plan would address itself to new buildings, land uses, and the location of public and semi-public buildings. He stated that the City Attorney's office had strongly advised that the seismic safety plan be prepared and had indicated that such a recommendation would willingly be made to the Board of Supervisors.

Commissioner Ritchie remarked that the combined total cost of the two plans would be $229,000; and he emphasized that San Francisco taxpayers are already staggering under a tremendous tax burden. He noted that San Francisco has one of the toughest building codes in the county; and he felt that that fact should be taken into consideration before more of the taxpayer's money is spent on preparation of a seismic safety plan.

The Director emphasized that preparation of a seismic safety element is required by State law; and, if a decision should be made not to prepare such a plan, he felt that the decision should be made by the legislative body of the City rather than by the City Planning Commission.

Commissioner Rueda, remarking that he was raised in a part of the world where earthquakes are as common as rain, doubted that any plan which might be prepared would be of value in case of a major disaster. He noted that one of the objectives for the seismic safety plan, as indicated in the work program which had been prepared by the staff, would be "to review and, where appropriate, endorse emergency preparedness plans for response to and recovery from a major earthquake, including organization and employment plans for personnel, designated emergency routes, and designated operation centers for government, medical treatment and housing"; however, if a major disaster should occur in San Francisco, relief would have to come through the assistance of neighboring communities rather than from within the City itself. He also questioned the significance or practicality of other objectives mentioned in the staff's report.

Commissioner Ritchie noted that both Commissioner Newman and Commissioner Fleishhacker were absent; and, in view of the large amount of money involved in the staff proposal, he felt that final action should be postponed until all members of the commission are present.

Commissioner Farrell asked if any funds other than those itemized in the staff report would have to be spent by the Department of Public Works for preparation of the two plans. The Director replied in the negative.

Commissioner Miller observed that both the Department of Public Works and the Department of Public Health had submitted supplemental appropriations for implementation of the city's noise control ordinance; and he suggested that the staff of the Department of City Planning should check with representatives of those two departments to make certain that the various submissions do not contain duplications.

Sidney Shaw, Planner III, stated that he had met with representatives of the two departments to discuss who would take responsibility for data collection and analysis for noise control. He had determined that the task force for noise control could do the job if it is funded and in operation in the future; and, at that time, the Department of City Planning's proposal could be modified.

Commissioner Porter asked if any date had been established for adoption of the required Master Plan elements. The Director replied that they would have to be adopted by the fall of 1974.

Commissioner Rueda requested that members of the Commission be sent copies of the State legislation requiring adoption of the Master Plan elements.

After further discussion it was moved by Commissioner Miller, seconded by Commissioner Ritchie, and carried unanimously that this matter be taken under advisement until the Commission's meeting on January 25.

At 3:05 P.M. Vice President Porter announced that the meeting was recessed. Members of the Commission then proceeded to Room 282, City Hall, and reconvened at 3:20 P.M. for hearing of remainder of the agenda.

3:20 P.M. Room 282, City Hall

CONSIDERATION OF A PROPOSAL TO DESIGNATE THE LILIENTHAL-ORVILLE PRATT HOUSE, 1820 CALIFORNIA STREET, AS A LANDMARK.
(POSTPONED FROM MEETING OF DECEMBER 21, 1972)

ALSO

CONSIDERATION OF A PROPOSAL TO DESIGNATE THE EDWARD COLEMAN HOUSE, 1701 FRANKLIN STREET, AS A LANDMARK.
(POSTPONED FROM MEETING OF DECEMBER 21, 1972)

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), stated that both of the subject properties are owned by the Bransten family corporation, known as the Florined Company. He then summarized the architectural and historical attributes of the two buildings upon which the Landmarks Preservation Advisory Board had based its recommendation that they be designated as landmarks.

John Beckham, representing the Pacific Heights Association, stated that the subject buildings had been used as examples of the type of buildings which should be designated as landmarks when the Landmarks ordinance was being considered by the City Planning Commission; and he also indicated that the buildings had played a role in the establishment of a 40-foot height limit for the neighborhood. He stated that the book "Here Today" had devoted a full page to the three properties included on the Commission's agenda and had remarked on the importance of the relationship of the three buildings to each other; and he felt that a strong argument could be made for designation of the three buildings as an historic district. He regarded the buildings as the key to historic preservation in Pacific Heights, both visually and architecturally; and he hoped that they would be preserved.

Vice President Porter emphasized that designation of buildings as Landmarks does not necessarily mean that they will be preserved. The Landmarks ordinance merely provides that demolition permits for designated Landmarks can be held for six months by the City Planning Commission and for an additional six months by the Board of Supervisors.

Mr. Beckham stated that he was aware of the deficiencies of the ordinance; and he indicated that his organization intended to make an effort to have the ordinance strengthened. In the meantime, he hoped that the Commission would designate the subject buildings as Landmarks as a step towards indicating the measure of their importance.

Commissioner Ritchie observed that the properties exist in their present state today only because the owners had been willing to maintain them at considerable expense; and he remarked that it would be a hardship for the owners to be told now that they cannot do anything with the properties for six months or one year. He noted that the subject buildings are located on a very prominent corner; and as a result, the properties are extremely valuable. Establishment of a 40-foot height limit had already been a terrible blow for the owners of the properties; and designation of the buildings as Landmarks would place further restrictions on the properties. He asked Mr. Beckham how he would feel if he were the owner of the properties.

Mr. Beckham replied that his property, which is located at Jackson and Webster Streets, had originally been included in a height limit district which would have allowed high-rise construction. If the height limit had not been reduced, he could have made a substantial profit on his investment. However, because he wished to preserve the character and quality of the neighborhood, he had supported a lower height limit.

Commissioner Ritchie remarked that while Mr. Beckham occupies the property which he owns in Pacific Heights, the subject properties are not owner-occupied. He pointed out that one of the subject buildings is very large and that the other may have been converted to flats; and he asked Mr. Beckham if he could suggest how the buildings might be used if they were to be designated as Landmarks.

Mr. Beckham stated that the Bourne Mansion, which was previously designated as a Landmark, has been vacant for sometime; and he indicated that the Pacific Heights Association had toured that building in an effort to come up with suggestions for an economic use of the interior of the building which would not destroy its character. He believed that the building at 1701 Franklin Street could be remodeled into handsome apartments; and he remarked that handsome apartments rent for a great deal of money in Pacific Heights.

Vice President Porter stated that she had understood that the Pacific Heights Association was seeking R-2 zoning for the site of the Bourne Mansion; and she remarked that it would probably be difficult to find an economic use for the building if the property were to be rezoned. After Mr. Beckham had stated that he had understood that zoning exceptions could be made for buildings which had been designated as Landmarks, Vice President Porter stated that "spot zoning", which Mr. Beckham seemed to be inferring, is considered to be the cardinal sin of planning.

Commissioner Ritchie remarked that the properties on which the subject buildings are located are heavily taxed; and, when Landmarks designation had been proposed, the owners of the properties had been caught in a dilema. While he appreciated Mr. Beckham's point of view, he remarked that people sometimes overlook the feelings of the owners of the properties involved.

Mr. Beckham stated that it was his hope that some people in Pacific Heights are sufficiently wealthy that they could afford to do something for the City.

Gary Kray, of San Francisco Victoriana, Inc. regarded the proposal to designate the subject properties as Landmarks to be the first major test of the urban design policy calling for preservation of Landmarks; and he felt that anything less than designation of all three buildings as Landmarks would be contrary to the policies of the Urban Design Plan.

The Secretary called attention to letters and telegrams which had been received in support of the proposal to designate the two subject buildings, as well as the building located at 1834 California Street, as Landmarks. He also read a statement which had been presented by John Frisbee, representing the National Trust for Historic Preservation in the United States, during the Commission's meeting on December 21. The statement read as follows:

> "I am appearing before you in support of 1701 Franklin Street and 1820 California Street for designation as landmarks of the City and County of San Francisco.
>
> "While I realize that these proposed landmarks are before you for individual consideration, I think it is appropriate to acknowledge the importance their relationships to one another. In fact, the properties at the corner of California and Franklin Streets must, I feel, be considered as an ensemble, the whole being more significant than any of its parts. The Italianate residences at 1834 and 1820 California, and

the Queen Anne at 1701 Franklin are, in a sense, an entity, tied together by their grounds, gardens and architectural continuity. In your determination of their merit for landmark designation, I hope that these interrelationships will be considered.

"As examples of architectural styles and as an ensemble evocative of a fashion of urban living in late 19th century San Francisco, these structures are important to the city. Equally they are a part of the urban quality and style which make the San Francisco of today so distinctive. That quality which is San Francisco is fragile and the pieces of which it is made must be evaluated carefully. I share in the opinion of the Landmarks Preservation Advisory Board that this is a significant part of the city's cultural heritage, and I believe that landmark designation under Article 10 of the Municipal Planning Code is justified."

Sidney Rudy, attorney for the owners of the subject properties, stated that his clients had found it difficult to take a position regarding the proposal to designate the buildings as Landmarks. While they did not challenge the statements which had been made regarding the prominence of the buildings or their architectural characteristics, they did feel that attempts to preserve the buildings by delaying issuance of demolition permits and by impostion of a 40-foot height limit were unfair.

Vice-President Porter advised Mr. Rudy that Mr. Beckham had been inaccurate when he had inferred that the 40-foot height limit had been established to preserve the buildings. She stated that the 40-foot height limit had resulted from policies and principles presented as part of the Urban Design Plan.

Mr. Rudy stated that Landmarks designation does, in any case, result in a degree of unfairness to the property owners involved. He remarked that no one should assume the financial resources of people who happen to own property in Pacific Heights. Furthermore, if the subject properties had appeared to be key parcels when the Landmarks ordinance had been adopted, he noted that a considerable amount of time had elapsed since that date. If there were a desire to preserve the subject buildings for the public benefit, he felt that that desire should be accompanied with a program to purchase the properties. To his knowledge, no effort had been made to acquire the properties for the community at a fair price. He noted that the Landmarks Preservation Advisory Board has designated many buildings as Landmarks; and he observed that it would not be realistic to expect that all of the buildings will be purchased by individuals or organizations which have a desire to preserve them. In the meantime, the property owners will continue to be required to pay taxes; and, in addition, they will be faced with the prospect of having a "freeze" placed on any demolition permits which might be submitted. The issue is basically one of private property owners running up against the broader public interest. He stated that it would not be economically feasible to remodel the building at the corner of Franklin and California Streets. In view of these considerations, he requested that the proposal to designate the two subject buildings as Landmarks be denied.

Harold Kaufmann, agent for the owners of the subject properties, remarked that one of the previous speakers had inferred that a plan had existed for the designation of the two subject properties, as well as 1034 California Street, as a Landmark district; however, he stated that such a plan had never existed. Each of the three properties evolved through separate ownership; however, the two subject parcels have been assembled by the Bransten Family. He felt that the palm tree in front of one of the properties is one of the most distinctive trees in Pacific Heights and is a Landmark in fact. He stated that the properties had been maintained in their present state for personal reasons in spite of the fact that the income which they have produced was barely adequate to cover their taxes; however, since Mrs. Barnsten had moved during the last year, consideration was being given to the feasibility of other uses. Under the circumstances, he felt that placing a "freeze" on the properties by designating them as Landmarks would be unjustified.

Vice President Porter confirmed that no particular properties had been responsible for passage of the Landmarks ordinance; and she noted that 52 other buildings had been designated as Landmarks since the ordinance was enacted.

Allan B. Jacobs, Director of Planning, stated that the 40-foot height limit had been established not for the purpose of preserving the subject buildings, but because of urban design considerations. He stated that issues raised by members of the audience concerning possible use of the buildings' economic factors, and the matter of fairness were not relevant to the matter which was before the Commission for decision. The decision to be made was whether the subject buildings are, in fact, Landmarks. The fact that the Landmarks Preservation Advisory Board had not recommended designation of the buildings earlier did not in any way imply that the buildings are of lesser importance than buildings which have already been designated as Landmarks; it was only an indication that the Landmarks Preservation Advisory Board has a great deal of work to do and that the process is a slow one. He stated that one of the subject houses is nearly 100 years old and that the other is nearly 80 years old; and he noted that both had been built or occupied by highly successful 19th century entrepreneurs who had acquired their wealth by the development or utilization of the indigenous resources of the west. Considering its size and location, the Edward Coleman house at 1701 Franklin is one of the very few of its type left in the City. Built in 1885, when the Victorian Era was on the wane and the Classic Revival was not in full vogue, it exhibits a transition between the two epochs and contains elements of both. At one time it had many similar neighbors; but the 1906 fire halted just east of the property, destroying many of them. Those that did survive, particularly on Van Ness Avenue, later succumbed to the economic pressures and were replaced by commercial structures. The Lilienthal-Pratt House, 1820 California Street, was built in 1876 and is an example of San Francisco Victorian at its best. The Landmarks Preservation Advisory Board had recommended that both buildings be designated as Landmarks; and it was his recommendation that the proposal to designate both of the buildings as Landmarks be approved.

Commissioner Rueda remarked that advocates of proposals to designate buildings as Landmarks might assume that the owners of the properties will receive some sort of financial consideration from some government agency; however, that is not the case. By the same token, the same people sometimes labor under the misconception that buildings designated as Landmarks will be preserved forever; and owners of the properties involved often mistakenly believe that Landmark designation will put a permanent "freeze" on their properties. He stated that he was in favor of designating the two subject buildings as Landmarks in the hope that some individual or group may wish to purchase and preserve them.

Commissioner Ritchie remarked that Landmark designation is not nearly so onerous as a 40-foot height limit since the only effect of Landmarks designation is to provide that demolition permits can be held for a maximum of one year, after which time the owners of the property will be permitted to do whatever they wish. He called attention to a telegram which had been received from Howard A. Chickering stating that 1820, 1834 California and 1701 Franklin Avenue are irreplacable and an unequaled part of San Francisco's heritage and that Landmarks designation is absolutely mandatory. He stated that he agreed that Landmarks designation of the properties is mandatory; and, therefore, he moved that the proposal to designate both buildings as Landmarks be approved. The motion was seconded by Commissioner Rueda.

When the question was called, the Commission voted unanimously to adopt Resolution No. 6956 to approve the proposal to designate the Lilienthal-Orville Pratt House, 1824 California Street, as a Landmark and Resolution No. 6957 to approve the proposal to designate the Edward Coleman House, 1701 Franklin Street, as a Landmark.

CONSIDERATION OF A PROPOSAL TO DESIGNATE THE ISAAC WORMSER AND JOHN C. COLEMAN HOUSE, 1834 CALIFORNIA STREET, AS A LANDMARK.

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), summarized the architectural and historical features of the subject building upon which the Landmarks Preservation Advisory Board had based its recommendation for designation of the building as a Landmark.

Dr. Charles Noble, a grandson of John C. Coleman, stated that he was no longer as much opposed to the proposal to designate the building as a Landmark as he had been originally. He indicated that the property had been acquired by his grandfather in 1895; and he advised the Commission that the house is still being used by a member of the Coleman family. When his grandfather died, in 1919, his will had provided that the house should be preserved for his daughter's use during her lifetime; and the trust fund which was established for that purpose is still in existence. As a result, the house will continue to be preserved whether it is designated as a Landmark or not. His grandfather's will had also provided that the house, when no longer needed by his daughter, will pass on to other heirs who now number 19 and are scattered throughout the country. The trust fund will become their property, also. At the present time, $15,000 is being spent annually for taxes and maintenance of the property; and, since the house is aging, it needs more and more repairs each year. He stated that he had appeared before the Landmarks Preservation

Advisory Board to speak in opposition to the proposal to designate the building as a Landmark. While holding of the demolition permits might not constitute a "freeze" on the property, such action would nevertheless cause a delay which would more than likely extend over a 14 - 16-month period rather than a 12-month period. Such a delay would affect the owner's ability to sell his property; yet, he would still be required to pay his taxes in full. Under the circumstances, he felt that it would be desirable for the Commission to consider the desirability of proposing some remission of taxes on buildings which have been designated as Landmarks. He stated that he would not oppose designation of the subject building as a Landmark.

Vice President Porter stated that the members of the Commission were deeply concerned about the economic burden which the owners of Landmark's properties are asked to bear. In the present case, the property is extremely large in size and is taxed accordingly; and, in large measure, the large amount of open space available on the site is what makes the property truly a Landmark. She stated that other owners of Landmark properties had requested that they be afforded some tax relief; and she advised Dr. Noble that the Landmarks Preservation Advisory Board is giving consideration to that matter.

Commissioner Ritchie stated that it was his own personal opinion that owners of properties which have been designated as Landmarks should be required to pay only 50% of the taxes which would normally be charged. He noted that Dr. Noble had stated that the subject building would be preserved whether it is designated as a Landmark or not; and he asked if he could assume that the building would be preserved for a long time.

Dr. Noble replied that his aunt, who occupies the house, is 94 years old; and he felt that Commissioner Ritchie could draw his own conclusions about the length of time that the house will be occupied and preserved.

Vice-President Porter asked for a show of hands from individuals present in the audience in support of the proposal to designate the subject building as a Landmark. Approximately 7 people responded.

Allan B. Jacobs, Director of Planning, recommended that the proposal to designate the building as a Landmark be approved.

After further discussion it was moved by Commissioner Ritchie, seconded by Commissioner Rueda, and carried unanimously that Resolution No. 6958 be adopted and that the proposal to designate the Isaac Wormser and John C. Coleman House, 1834 California Street, as a Landmark be approved.

At 4:15 p.m., Vice-President Porter announced that the meeting was recessed. Members of the Commission then proceeded to 100 Larkin Street and reconvened at 4:25 p.m. for hearing of the remainder of the agenda.

CONSIDERATION OF AMENDMENTS TO ARTICLES II, III, IV AND V OF THE RULES AND REGULATIONS OF THE CITY PLANNING COMMISSION, PRIMARILY TO INCLUDE PROCEDURES FOR COMMITTEE MEETINGS.

The Secretary noted that a draft of the proposed amendments had been attached to copies of the agenda for today's meeting which had been mailed to each member of the Commission and to individuals on the Commission's regular mailing list. He stated that the principal reason for amendment of the rules was the passage of a Charter amendment by the voters in the November election requiring that committee meetings be open and public; and the City Attorney had advised that procedures for Committee meetings should now be included in the Commission's Rules.

Vice-President Porter, noting that the word "Chairperson" rather than the word "Chairman" was used in the amended rules, stated that she felt that the use of the word "Chairman" would be preferable. Subsequently, it was moved by Commissioner Ritchie, seconded by Commissioner Miller, and carried unanimously that the word "Chairman" be substituted for the word "Chairperson" in the amended rules.

After further discussion it was moved by Commissioner Miller, seconded by Commissioner Ritchie, and carried unanimously that the amended rules, as modified, be adopted.

The meeting was adjourned at 4:30 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

ABJ

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, February 1, 1973.

The City Planning Commission met pursuant to notice on Thursday, February 1, 1973, at 1:00 p.m. Room 282, City Hall.

PRESENT: Walter S. Newman, President; Mrs. Charles B. Porter, Vice-President; John C. Farrell, Thomas J. Mellon and his alternate Thomas G. Miller, John Ritchie, and Hector E. Rueda, members of the City Planning Commission.

ABSENT: Mortimer Fleishhacker, member of the City Planning Commission.

The staff of the Department of City Planning was represented by Allan B. Jacobs, Director of Planning; R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator); Robert Passmore, Planner V - (Zoning); Peter Svirsky, Planner V - (Zoning); James White, City Planning Coordinator; James Paul, City Planning Coordinator; Daniel Sullivan, Planner IV - (Zoning); William Duchek, Planner III - Urban Design; Sidney Shaw, Planner III; Joan Lamphier, Planner II; Carl Nes, Planner II, and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner; Maitland Zane represented the San Francisco Chronicle.

APPROVAL OF MINUTES

It was moved by Commissioner Porter, seconded by Commissioner Rueda, and carried unanimously that the minutes of the meetings of October 5 and 26, 1972, be approved with corrections and that the minutes of the meetings of December 12 and 21, 1972, and January 4, 1973, be approved as submitted.

CURRENT MATTERS

Allan B. Jacobs, Director of Planning, presented and summarized a report which analyzed the population and housing characteristics of the Mission District based on data derived from the 1970 Census. The report is available in the files of the Department of City Planning.

Continuing his report, the Director read the following prepared statement:

"Two weeks ago I reported to you recent changes in the State law which require us to prepare and adopt Seismic Safety and Noise Elements as part of our Master Plan. At that time I asked you to approve supplemental budget requests for the funds needed to prepare these plans. Your decision at that time was to postpone action to allow for more thorough consideration of this matter.

"Although specific dates for adoption of these elements have not been officially announced it is anticipated that adoption will be required by no later than the fall of 1974. In view of this it is important that the Commission take early action.

"As I noted previously, the work programs were sent to the City Attorney's Office and the Department of Public Works for their review and comment.

"The City Attorney's Office informally stated that failure to meet these new State requirements might result in legal action against the City and cut off State and Federal funds for public projects. It might also result in legal action which would block the City from issuing building permits as recently occurred as a result of environmental impact arbitration.

"I also noted that both of these new requirements are not within the normal expertise of city planners and that to prepare these elements it will be necessary for the Department to obtain outside technical assistance as well as to expand its existing staff.

"Today I am asking for Commission approval to prepare and submit supplemental appropriation requests of $167,091.85 for the Seismic Safety Element and $62,000 for the Noise Element. The funds for the Seismic Safety Element will be required for use in this and the next two fiscal years. They will be used for special consultants services, temporary salaries and other operational expenses. I might point out here that nearly two-thirds -- $95,000 -- of the additional funds required would be for consultants services -- the geologic investigations, structural investigations, and engineering services from the Department of Public Works. While no new in-house staff is required for the Noise Element, $46,000 would be needed for the technical consultant services and $16,000 for operational costs for the total of $62,000 required.

"To bring you up-to-date since you last considered this matter, the Board of Supervisors has appointed the Noise Task Force in implementing the Noise Ordinance. It is a possibility the Noise Task Force will conduct the technical work required for preparation of the Noise Element, thus relieving the Department of City Planning of this responsibility.

"However, at this time it is not possible to make that determination. In the event the Noise Task Force did the work, $46,000 less would be required to prepare the Noise Element.

"Regarding the Seismic Safety Element, several of you have expressed concerns about the costs, the content, the ultimate product, and even the need for such a plan. We are all aware of the natural geologic hazards present in San Francisco and the Bay Area; thousands of small and large buildings superimposed on this geology serves only to magnify the hazard

in San Francisco, the most densely populated city in California. We have an excellent Building Code with stringent requirements for seismic safety in structural design. However, its provisions are only present in the newer buildings, a very small proportion of all the structures in the city. Furthermore the Building Code does not relate uses such as places of assembly, emergency facilities or potentially hazardous industrial uses to the degree of geologic risk, nor does the Planning Code. The identification of potentially hazardous structures and the relation of types of land uses to geologic risk along with policies and priorities for hazard abatement in existing structures and modifications of land use regulations would be two of the products of this plan.

"The costs set forth for consultants we have judged to be adequate to produce a meaningful and useful plan. To spend less could mean critical limitations on required research and data collection but allocation of more money for this is not likely to result in a more accurate or useful document. For the most part the funds are not required to produce more information but for the consolidation and analysis of existing information for use in the formulation of planning policies regarding seismic hazards.

"Intermittently San Francisco pops up as the subject for another media documentary on earthquakes. San Francisco and "earthquake" are almost synonymous; in a crazy way it is ironic that we have never chosen to deal with this hazard in a comprehensive way. Now the State says we must do it. There are things that can and should be done to save lives in the event of an earthquake and we have a responsibility to the citizens of San Francisco to do them.

"A draft resolution, copies of the work programs and copy of the State prepared Interim Guidelines for the Seismic Safety Element have been given to you. If you have any specific questions on this matter, Mr. Paul, Mr. Shaw, and Mr. Duchek of the staff are present and would be willing to answer them for you."

Commissioner Porter asked what the end-product of the seismic safety study would be. Given the fact that the City is already almost 100% developed, she questioned whether such a plan would have any real local value.

At this point in the proceedings, Commissioners Ritchie and Mellon arrived in the meeting room and assumed their seats at the Commission table.

The Director, in response to the question which had been raised by Commissioner Porter, read the following statement from pages 11 and 12 of the work program which had been prepared for the Seismic Safety Element of the Master Plan:

"The report: Mission: 1970 Census: Population and Housing Supplemental Summary and Analysis has been prepared by the Department of City Planning as a part of the continuing analysis of the 1970 Census information. This Department maintains liaison with the Mission Model Neighborhood, since this neighborhood is a Model City area, with special programs in housing and planning, requiring technical assistance. The Census report was compiled as part of that liaison effort, to assist in evaluating the housing needs of the Mission area, as well as to provide information regarding needs for services among residents of the area.

"This report supplements the analysis of population and housing trends in the Mission prepared by the Community Development Study of Standford University, providing more detailed information on population changes within the Mission, the housing stock, age distribution, household relationships, unemployment and education. The Census information indicates that the Mission has a significantly younger population, larger families, a higher unemployment rate, less education and a lower income than the city as a whole. Within the Mission there are significant differences between the non-Spanish origin population and the Spanish origin residents. On the average, Spanish origin residents are younger than other residents of the Mission, have less education, larger families, a higher unemployment rate, and a lower income when employed. The trend in the last twenty years has been for an increase in the Spanish origin population, doubling in the decade from 1950 to 1960, and again in the decade from 1960 to 1970. It can be expected that the Spanish origin population will continue to increase in the Mission, with a demand for the type of services that relate to this population such as school space, employment programs, and programs relating to families with young children."

Commissioner Porter stated that she, as a San Franciscan, knows something about earthquakes; and she could not see how the proposed plan, as outlined, would be of any help.

President Newman stated that he had spent approximately three hours with the Director and with Mr. Duchek reviewing the proposal carefully. As a result, he was convinced that preparation of the report for inclusion in the Master Plan is esse essential. Furthermore, he felt that the plan would have definite value for the community. He stated that the most capable consultant would be hired to do the necessary investigative work in cooperation with the State Department of Mines and Geology; and the staff of the Department of City Planning would collate material which is already available. As a result, he was confident that the people of San Francisco would be provided with a definitive seismic statement. He was convinced that the cost of the project could not be reduced; and, conversly, he did not feel that expenditure of additional funds would result in a significantly more

definitive study. He emphasized that preparation of the Seismic Safety Element is a requirement of State law; and he recommended endorsement of the Director's proposal.

Commissioner Rueda acknowledged that preparation of such a plan may be legally required; but he questioned whether the study would be of any real value. For instance, even if the study should identify certain hazards, it was unlikely that money would be available to take corrective action. Under the circumstances, he felt that it would be wiser to use the money which would be needed for preparation of the report to help improve the safety of the City's schools and other public buildings.

President Newman felt that the proposed plan would be invaluable in planning for the future of San Francisco in the event the City does have a major earthquake.

Commissioner Rueda felt that it would be more worthwhile for San Francisco to prepare plans to assist other Bay Area Communities in case they should suffer a major earthquake disaster, and vice versa.

President Newman remarked that the City should know whether it wishes to reconstruct the same type of buildings in similar areas following the occurrence of a major disaster.

Commissioner Porter remarked that the survivors of the disaster would decide how the city is to be rebuilt; and, even if a plan were to be prepared in advance, she doubted that it would be considered.

President Newman stated that he was not contemplating a major earthquake in San Francisco; however, he felt that a Seismic Safety Element should be considered to be a vital part of the City's Master Plan. In any case, he emphasized that the City is obligated by State law to undertake the preparation of such a plan.

Commissioner Ritchie remarked that people tend to forget that the buildings which collapsed in Downtown San Francisco during the 1906 earthquake were the older brick structures and not the newer high-rise buildings; and he also pointed out that the fire which followed did greater damage than the earthquake. He emphasized that most of the new buildings constructed in the City since that time have had to conform to the stringent requirements of the Building Code; and he was convinced that buildings constructed in conformance with the Building Code can survive a major earthquake. In any case, the real issue to consider is not what happens to buildings but what happens to people in the event of a major catastrophe He questioned the judgment of the State in establishing a requirement for preparation of a Seismic Safety Element at local expense; however, if the study must be done, he was convinced that it could be done far less expensively than the Director had indicated.

President Newman stated that there is an Office of Emergency Services under the jurisdiction of the Mayor which has responsibility for dealing with problems which arise following a disaster. However, he pointed out that San Francisco is a

focal point for study of seismic conditions; and he felt that it was unfortunate that the Master Plan does not have a Seismic Safety Element. He believed that the people of San Francisco deserve such a plan; and he did not take the point of view that the plan was being "foisted" on the City.

Commissioner Porter asked how much time would be required for completion of the Seismic Safety Element. The Director replied that the plan, including public hearings, could be completed by fall of 1975.

Commissioner Porter remarked that if a Seismic Safety plan must be prepared, it should be a technical report put together by people highly trained in the field; and, under the circumstances, she questioned the extent to which participation by the less knowledgeable public would be desirable. If additional staff were to be hired by the Department of City Planning for the study, she anticipated space problems within the Department; and, as a result, she felt that it would be wiser for the Department of City Planning to contract with consultants who have quarters sufficiently large to house members of the staff who would be working on the study. The Director replied that the basic work on the project would be done by consultants. It would still be necessary to hire temporary employees with expertise in the field to assist the Department of City Planning in the study; however, he felt that it was possible that those employees could be housed by the consultants.

President Newman stated that he had reviewed the list of possible consultants being considered for the project and had found them to be among the most prestigous organizations in the field.

Commissioner Porter, remarking that the Commission seemed to be faced with a situation comparable to a "fait accompli", reluctantly moved that the draft resolution which had been presented by the Director be adopted. She emphasized, however, that she had made the motion for the purpose of complying with State requirements and not because she believed that the Seismic Safety plan would be of any benefit to San Francisco.

Commissioner Rueda, agreeing with the sentiments which had been expressed by Commissioner Porter, seconded the motion. He also stated that he feared that the results of the study would be frightening, especially insofar as the City would have no means of taking any corrective action which might be indicated.

Commissioner Ritchie felt that the estimated cost of the proposed project was excessive; and, since preparation of the plan had been required by the State, he felt that some effort should be made to have the State pay some or all of the expenses involved in preparation of the plan. He stated that he did not intend to vote for the plan whether it is required by State law or not.

President Newman asked if the requirement for preparation of a Seismic Safety Element is applicable to all cities in the state and if other cities are proceeding to formulate such a plan. The Director replied in the affirmative and remarked that since only a limited number of consultants are available, the study is likely to be more costly if it is deferred.

Commissioner Farrell inquired if it would be possible to re-allocate existing staff of the Department of City Planning to the proposed studies if they are to be given top priority. In his opinion, that approach would be preferable to the alternative of hiring new personnel. The Director replied that no new staff was being proposed for preparation of the noise element. However, since the members of the staff do not have the expertise needed for the Seismic Safety Element, new temporary positions would be needed for that purpose. He remarked that staff members of the Department have been assigned to projects designed to meet other State requirements; and he felt that he had already deferred as much of the low priority work of the Department as possible.

When the question was called, the Commission voted 5 - 1 to adopt Resolution No. 6959 to authorize the Director to prepare and submit supplemental budget requests totalling $167,091.85 for fiscal years 1972-73, 1973-74 and 1974-75 for funds needed to prepare a Seismic Safety Element for the Master Plan and a supplemental budget request in the amount of $62,000 for the fiscal year 1973-74 for funds needed to prepare a Noise Element for the Master Plan. Commissioner Farrell, Mellon, Newman, Porter, and Rueda, voted "Aye"; Commissioner Ritchie voted "No".

The Director recommended that the Commission's regular meeting scheduled for next Thursday, February 8, be cancelled. Members of the Commission expressed concern about the length of today's agenda as contrasted to total cancellation of the meeting next week. They requested that consideration be given to the possibility of reserving two days each month for Zoning Hearings when there are a great number of cases to be considered. After further discussion, it was moved by Commissioner Mellon, seconded by Commissioner Porter, and carried unanimously that the regular meeting scheduled for February 8, 1973, be cancelled.

At this point in the proceedings, Commissioner Rueda absented himself from the meeting room.

R73.4 SIDEWALK REDUCTION ON JUDAH STREET FROM 9TH AVENUE TO 48TH AVENUE.

James White, City Planning Coordinator, reported on this matter as follows:

"Judah is an 80-foot-wide street, running from Parnassus Avenue in the Inner Sunset to the lower Great Highway at Ocean Beach. The "N" Judah streetcar runs on Judah Street between Ninth Avenue and the lower Great Highway. When the Market Street Subway opens, the "N" Judah streetcar will be an extension of the new Muni Metro. The Master Plan designates Judah Street as a transit preferential street, noting that improvements to such streets should include:

'...restricting autos from streetcar and cable car tracks and eliminating automobile turning movements which conflict with transit vehicles.'

"The Department of Public Works and the Municipal Railway propose to establish a semi-private right-of-way on Judah Street for the new Muni Metro streetcars. This streetcar right-of-way would be a 3-inch-high center strip 24 feet wide where automobile traffic will be prohibited (yet accessible for emergency use). There would be an 11-foot traffic lane, a 7-foot parking strip with 10-foot sidewalk on either side. Left turns would be prohibited.

"In the initial stage of this project, from Ninth Avenue to 19th Avenue, three intersections would be channelized to prohibit traffic crossing the streetcar right-of-way. These channelizations allow for transit loading islands in the intersection, thereby minimizing the loss of on-street parking spaces due to placement of loading islands.

"In addition, channelization of the three intersections--12th Avenue, 15th Avenue, and 16th Avenue--would be the initial step in implementation of the Master Plan's 'Protected Residential Areas Plan' for this part of the Sunset.

"The concept of developing a semi-private right-of-way for the streetcar in combination with the first steps of the 'Protected Residential Areas Plan' will be continued from 19th Avenue to lower Great Highway in later stages of this project.

"At present Judah Street has an official sidewalk width of 12 feet with sidewalks constructed at various widths. The 10-foot sidewalk width is required for construction of the planned streetcar right-of-way.

"New street lighting, undergrounding of utilities, and street landscaping are a part of this project.

"It is recommended that the Director be authorized to report that a sidewalk width of 10 feet, as part of the proposed plan, to make Judah a Transit Preferential Street is in conformity with the Master Plan. It is further recommended that the Director be authorized to report that future requests for reduction of sidewalk width to 10 feet to complete this project along Judah Street, would be in conformity with the Master Plan."

After discussion it was moved by Commissioner Porter, seconded by Commissioner Farrell, and carried unanimously that the Director be authorized to report that a sidewalk width of 10 feet, as part of the proposed plan to make Judah a transit preferential street, as in conformity with the Master Plan. It was further recommended that the Director be authorized to report that future requests for reduction of sidewalk width to 10 feet to complete this project along Judah Street would be in conformity with the Master Plan.

At this point in the proceedings, Commissioner Rueda returned to the meeting room and reassumed his seat at the Commission table.

CU72.45 1850-51 NEWCOMB AVENUE, NORTHEAST AND SOUTHWEST SIDES OF McKINNON AVENUE, APPROXIMATELY 150 FEET NORTHWEST OF PHELPS STREET. REQUEST FOR AUTHORIZATION FOR AN AUTOMOBILE WRECKING OPERATION IN AN OPEN YARD IN AN M-1 DISTRICT.

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which consists of two parcels containing a total of approximately 46,500 square feet of lot area. The parcels are presently used for automobile dismantling and tow-car operations; and the metal building fronting on McKinnon Avenue is presently being used for storage of personal effects. The applicant proposed to store vehicles towed upon order of the Police Department on the parcel fronting on the northeasterly side of Newcomb Avenue. Vehicles not claimed by owners would be prepared for demolition in the 5,000 square foot building fronting on McKinnon Avenue. Storage of the vehicles and sale of used vehicle parts would be conducted on the parcel on the southwesterly side of Newcomb Avenue. In conclusion, Mr. Steele called attention to guidelines which had been established by the Commission for review of Conditional Use applications for automobile wrecking yards.

Commissioner Ritchie asked if the Commission had recently approved Conditional Use applications for automobile wrecking yards to be located east of the Southern Freeway. Mr. Steele replied in the affirmative and pointed out the location of the properties involved on a map which was in the meeting room.

Commissioner Farrell asked what changes would take place in the present use of the site if the application were to be approved. Mr. Steele replied that the applicants proposal was basically to continue the same use. However, in the future dismantling would take place inside of the building; and outside areas would be used for storage.

George Choppelas, attorney for the applicant, stated that City officials had contacted the proprietor of Elkhorn Towing and Service in 1948 and had worked out an arrangement under which automobiles abandoned on the city's streets would be towed to the subject property, which was then owned by the City. He stated that the operation run by his client could not accurately be described as an automobile wrecking activity; however, since the City Planning Code does not include a separate category for the use, a Conditional Use authorization for an automobile wrecking yard would have to be obtained to permit continuance of the use. He noted that the City Planning Code defines an automobile wrecking yard as an outside activity; and he indicated that all dismantling done on the subject site would be accomplished within the existing 5,000 square foot building. The service which his client provides involves removal of abandoned or wrecked automobiles from the streets. The vehicles are stored on the premises until claimed by their owners. If a vehicle is not claimed, title to it is obtained from the State. Subsequently, the tires, the gas tank, radiator starter, generator and upholstery from the seats of the vehicle are removed; and the vehicle is delivered to a dealer for demolition. Mr. Choppelas stated that his client is also a member of the Tow Car Association; and, since the City Planning Code makes no provision for the tow car business, an automobile dismantling permit would be required for that purpose, also. He stated

client employs approximately 9 people; and he asked four employees who were present in the audience to stand. He submitted a map which he had brought to show the route which would be followed to obtain access to the site and pointed out that only one-half block of the route is located in a residential area. In an effort to determine neighborhood reaction to the proposal, he had gone to the offices of the Economic Opportunity Council and had been referred to an organization known as Black Women United. With their assistance, he had obtained a petition which had been signed by residents of the neighborhood in support of the subject application. He submitted the petition and then proceeded to call on other people in the audience who wished to speak in favor of the application.

Ken Wade, representing Garage Employees Union Local 5, stated that he had been familiar with the Elkhorn Towing and Service Operations since 1948. He stated that members of the Tow Car Association actually serve as an arm of the Police Department; and he believed that the cost to the City for services rendered would be higher if the service were performed by civil servants. He emphasized that the applicant is in the towing business and not in the wrecking business.

Inspector Bill Musante, representing the San Francisco Police Department, confirmed that the applicant is a member of the Tow Car Association and informed the Commission that towing operations are governed by the Police Code.

Robert Dobbins, attorney for Elkhorn Towing and Service since 1966, stated that his client's operation had previously been housed on Fell Street. However, when the firm took on towing responsibility, the City moved the operation onto the subject site, which was then in public ownership. The property was later acquired by the applicant.

Mrs. Gene Bowie, representing Black Women United, stated that her organization had collected a sampling of opinions from nearby residents concerning the subject application. Most of the people interviewed felt that the applicant is providing a service for the neighborhood, particularly in terms of providing parts for cars which could not be obtained elsewhere. While the response had not been 100% favorable, a majority of the people polled had felt that the use was not detrimental to the neighborhood; and many of the residents had indicated that they are more disturbed by the noise created by buses than by the towing operation.

No one else was present in the audience to speak in favor of the subject application.

Frank Hurd, owner of Apparel City property, expressed general concern about automobile wrecking operations and urged that minimum standards be established for such uses including construction of 10-foot high screening fences and establishment of set-backs for landscaping. To illustrate his concern, he submitted a photograph of a wrecking yard which had been approved by the Commission last November and stated that the present condition of that property does nothing to improve the quality of the neighborhood.

Commissioner Ritchie asked if he were correct in understanding that Mr. Hurd was not specifically opposed to the application presently under consideration. Mr. Hurd replied that he could not comment on the subject application because he knew nothing about it; however, he was concerned about the present appearance of the wrecking yard which has been approved by the Commission in November.

Commissioner Ritchie then asked if conditions had been established for the wrecking yard which had been approved in November. Mr. Steele replied in the affirmative and indicated that that applicant had complied with most, if not all, of the conditions.

Commissioner Farrell remarked that the Commission had taken a field trip to the subject neighborhood; and he noted that some of the wrecking yards which had been approved by the Commission had been improved in conformance with the standards which had been established by the Commission.

Anthony Spiteri, President of the Maltese American Social Club, stated that members of his minority group had maintained a club house in the subject neighborhood for 45 years; and he indicated that they are concerned about the beautification of their club house and their neighborhood. At a general membership meeting of the club last month, the members had voted unanimously to oppose the subject application. While the applicant's representative had claimed that the applicant is engaged in the towing business, he pointed out that the notice which had been mailed to property owners had stated that permission was being sought for automobile wrecking activities on the site.

President Newman asked if the present use of the site would change substantially if the subject application were to be approved. Mr. Steele replied that the only change would be that dismantling activities would take place within an enclosed building instead of outside. He stated that tow car operators are required to have a dismantling permit; and the application which was before the Commission was, in fact, a request for conducting dismantling activities on the site.

President Newman asked if Mr. Spiteri was opposed to the present use of the site. Mr. Spiteri replied that he could not reply to the question without consulting the members of his club. He stated that their previous negative reaction had been based on the nature of the application as stated in the notice which had been sent to property owners.

Philip Friedman, owner of property located at Phelps Street and McKinnon Avenue, stated that he had gone to considerable expense to construct a fence around his property and to install a driveway on Newcomb Avenue; yet, every time he tries to use the driveway, the street is cluttered up with wrecked cars. In his opinion, a wrecking yard is still a wrecking yard no matter how one looks at it; and he did not believe that the 50 x 100 foot building which occupies the subject property would be large enough for the applicant's wrecking activities. He stated that he employs 32 people who belong to two unions, and he indicated that the adjacent automobile wrecking operations had brought him nothing but headaches. He did not feel that such operations should be allowed in such close proximity to a residential area or in an "up and coming" industrial area.

Mrs. Baross, owner of residential property on Phelps Street, stated that she was opposed to the subject application.

Evelyn Pickerrell, owner of a building located at Phelps Street and McKinnon Avenue, stated that the applicant's wrecking yard, besides being unsightly, is also an extreme safety hazard. Because cars are left in the street right-of-way, it would often be impossible for a fire truck or an ambulance to get through the area.

George R. Pickerrell indicated that he, also, was opposed to the subject application.

Mattie Kimp, President of the Shafter Avenue Community Club, stated that members of her organization live in the subject neighborhood; and she indicated that they were opposed to the approval of any additional automobile wrecking yards because enough junk exists in the area already.

The Secretary called attention to several letters which had been received in opposition to the application.

Mr. Steele recommended that the subject application be disapproved. He stated that the subject property is immediately adjacent to a residential area and at a lower elevation so that the wrecking yard is a prominent aspect of the view from the residential properties. He also remarked that the side is considerably closer to a residential district than the 500-foot distance established by the Commission in the guidelines adopted in 1969; and he did not believe that conditions could be established which could make the use compatible and eliminate the injurious effects which it might have on the nearby residential properties. Since the streets providing access to the subject property are dead end streets at the rail road right-of-way, most of the traffic generated by the operation would pass through a residential district. When automobile wrecking yards are located close to residential uses, the yards tend to become an attractive nuisance and tend to invite dumping of debris. At the present time, vehicles are loaded and loaded in the street right-of-way; and vehicle parts have been abandoned on surrounding properties. He also pointed out that the door of the steel building which the applicant proposed to use for dismantling is considerably higher than the level of the yard. In conclusion, he stated that the applicant had demonstrated no public benefit to be derived from the proposed use; and he noted that there had been substantial public opposition to the application, both from residents and industries in the vicinity.

Mr. Choppelas stated that his client's operation, unlike the wrecking yard near Apparal City, had been in existence before adjacent industries had moved into the area. He stated that his client merely wished to continue the same operation he has conducted in the past; and he felt that the people who had appeared in opposition to the application had misinterpreted the notice which they had received to indicate that new activities were being proposed. In conclusion, he pointed out that conditional use approval by the Commission at the present time could be revoked at a later date if the operation should prove to be undesirable.

President Newman asked how disapproval of the subject application would affect the applicant. Mr. Steele replied that the applicant would either have to relocate or else go out of business within a reasonable period of time if the application were to be disapproved. He noted that the applicant had already been operating without legal status since August, 1972.

Commissioner Ritchie noted that Mr. Hurd, who had not objected to the application, had urged that the use be adequately screened; and he indicated that he shared that sentiment. He remarked that previous actions of the Commission had restricted automobile dismantlers to a very small industrial area of the City, namely the area east of the Southern Freeway extension and north of Oakdale Avenue; and, if automobile dismantlers were not to be permitted to locate in that area, he did not know where else they could go. He noted that the subject property is located within that area; and, therefore, he moved that the subject application be approved.

Commissioner Rueda seconded the motion but expressed certain reservations concerning the proposed use. He felt that stringent controls should be exercised over the operation, particularly by the Police Department. In addition, he felt that steps should be taken to make the use compatible with the neighborhood. He believed that property owners in the area would have no objection to the use if the business is run on a professional basis; and he emphasized that the Conditional Use authorization could be withdrawn if the performance of the applicant is not satisfactory.

Commissioner Porter observed that automobile wreckers perform a necessary service for San Francisco; and she remarked that the Commission had disapproved a number of proposals for automobile wrecking yards. She agreed with Commissioner Rueda that the use itself need not be objectionable if it is carried out in a professional manner. She felt that rigid stipulations could be established to control the operation on the subject site; and she indicated that she would not vote for approval of the application unless such stipulations were to be imposed upon the applicant.

Mr. Steele felt that it would be possible to propose conditions for control of the proposed operation; and he suggested that one of the conditions might specify that the property should be used only as a storage yard for icy cars and no automobile wrecking should take place on the site.

Commissioner Farrell suggested that the removal of seat covers, tires, and other similar items from the vehicles should be differentiated from actual auto wrecking.

After further discussion, Commissioners Ritchie and Rueda modified their motion and second to call for approval of the application in principal at the present time subject to consideration of specific conditions and final action on the matter on February 22, 1973.

When the question was called, the Commission voted unanimously to approve the application in principle subject to consideration of specific conditions and final action during the meeting to be held on February 22, 1973. The Commission also requested the staff of the Department of City Planning to work with the applicant to formulate suitable conditions during the interim.

CU72.63 TOLAND STREET, SOUTHWEST CORNER OF NEWCOMB AVENUE.
REQUEST FOR AUTHORIZATION FOR A TRUCK WRECKING OPERATION IN AN OPEN YARD IN AN M-1 DISTRICT.

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject parcel which has approximately 125 feet of frontage on Toland Street and an area of 26,000 square feet. The property, which is located in an M-1 District, is presently used for truck and parts storage. The applicant's proposal was to dismantle and disassemble trucks, generally large diesel truck. Storage of parts would be accommodated on the site. A 12-foot by 8-foot wood shed faces Toland Street. In conclusion, Mr. Steele stated that the applicant currently operates a truck wrecking business at 1750 Harrison Street which was approved by the Commission on July 6, 1972.

David M. Lerer, the applicant, stated that the fence-in site would be used for storage and that none of the activities proposed would overlap onto the street area. He indicated that he hoped the subject application would be approved. He stated that his business could not properly be described as a truck "wrecking" operation.

Robert Levine, representing the owners of the property located at 123 Loomis Street, noted that he had appeared before the Commission on previous occasions to object to applications for automobile wrecking yards; and he indicated that he was opposed to the subject application on the basis of the same general reasons. He stated that the Willig Freight Lines had experienced substantial problems with automobile wrecking operators in the area who have tended to store and dismantle automobiles in the public streets. While the present applicant had claimed that he is not involved in a truck wrecking operation, the request made in the subject application was for authorization for truck wrecking activities; and he failed to see a significant difference between truck wrecking and automobile wrecking activities. He felt that it was clear that such operations create safety hazards and possibly health hazards; and, in addition, they are eyesores. He stated that his clients had spent a considerable amount of money to improve their property; and approval of wrecking yard activities, which would not be compatible with existing industrial uses in the area, would depress the value of property in the neighborhood. He urged that the application be denied.

Frank Hurd, owner of Apparal City Property, remarked that he had developed a substantial complex in the neighborhood which has been in existence for 25 years;and, through good planning and landscaping, he felt that he had proven that an industrial area does not have to be ugly and dirty. Furthermore, he felt that he had proven that San Francisco does not have to lose industry to outlying counties. He pointed out that the subject neighborhood is adequately served by public transportation and that it is located only 7 minutes from City Hall and only 10 minutes from the airport by freeway. Under the circumstances, it seemed to him that the subject neighborhood is a logical location for industrial growth and expansion. He stated that his property is located only 185 feet from the subject site; and he indicated that other property owners in the area were also strongly opposed to the use being proposed by the applicant. In conclusion, he stated that he had obtained three pages of signatures from individuals who objected to the application; and, in addition, he had copies of letters of opposition which had been addressed to the Zoning Administrator by various property owners in the area.

The Secretary called attention to letters which had been received from several owners of property in the area in opposition to the subject application.

Mr. Steele felt that truck dismantling at the site would provide a desirable integrated truck maintenance business and a needed retail resale market for inoperable trucks and used truck parts. He noted that the subject site is located in close proximity to major trucking firms; and he felt that operation of the proposed business on the site would have no detrimental effects on surrounding industrial properties because truck wrecking is not a high vehicle intensity use. He stated that truck wrecking does not generate unsightly storage of inoperable vehicles or substantial accumulation of vehicle parts for long time periods; and the traffic which would be generated by the proposed use, which would travel only through an industrial district, would not be likely to unduly hamper the flow of traffic on surrounding streets. Therefore, he recommended that the application be approved subject to eight specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission. After summarizing the conditions, he recommended adoption of the draft resolution.

President Newman asked if the conditions which had been recommended by Mr. Steele would be acceptable to the applicant. Mr. Lerer replied in the affirmative.

Commissioner Rueda stated that he was surprised to learn that a truck wrecking operation was taking place on the subject site when he had gone on a field trip to the neighborhood; and, given the manner in which the operation is being conducted, he did not feel that it would have a significant detrimental effect on the neighborhood. He moved that the application be approved subject to the conditions which had been recommended by Mr. Steele. The motion was seconded by Commissioner Mellon.

Commissioner Ritchie noted that a number of letters had been received from owners of industries located in the area in opposition to the application; and he remarked that the subject neighborhood is one of the few areas in the City which enjoys high quality light industrial development. His personal policy was that automobile wrecking yards should be located in the area east of the Southern Freeway extension and north of Oakdale Avenue; and he pointed out that the subject property is located to the west of the Southern Freeway extension. He felt that existing industries in the area should be protected; and, therefore, he did not intend to support the motion for approval of the application.

When the question was called, the Commission voted 4 - 2 to adopt Resolution No. 6960 and to approve the application subject to the conditions which had been recommended by Mr. Steele. Commissioners Farrell, Mellon, Newman, and Rueda voted "Aye"; Commissioners Porter and Ritchie voted "No".

CU72.68 1200 VAN DYKE AVENUE, NORTHWEST CORNER OF HAWES STREET. REQUEST FOR AN AUTOMOBILE WRECKING OPERATION IN AN OPEN YARD IN AN M-1 DISTRICT.

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which is an irregularly shaped parcel having 324 feet of frontage on Van Dyke Avenue and

approximately 169 feet of frontage on Hawes, an unimproved street, for a total approximate lot area of 20,000 square feet. The property had been improved with structures necessary for the operation of the proposed automobile wrecking yard.

Harold Cutler, attorney for the applicant, stated that the president of the Tow Car Association had authorized him to advise the Commission that there is a desperate need for automobile dismantlers in San Francisco; and, while the number of automobiles being abandoned in the City has increased, the number of automobile dismantlers has been reduced. He submitted a petition which had been signed by approximately 435 individuals and businesses who had indicated their support of the subject application; and he also displayed a chart showing the location of businesses in the area which had endorsed his client's proposal. He stated that access to the site would be routed through industrial districts. The scope of the operation would be small. The site is surrounded by a 10-foot fence; and, since no stacking would take place on the site, the operation would not be visible from the outside. No noise, dirt, glare, or odor would emanate from the site; and torch cutting, which would be limited, would take place within an enclosed building. Eight or nine off-street parking spaces would be provided for customers. The subject site is entirely surrounded by compatible industrial property; and, in fact, the site had been selected with the assistance of the Redevelopment Agency. If the subject application were not to be approved, his client would be faced with serious financial difficulties because he had obtained a loan from the Small Business Administration to make improvements on the site.

Commissioner Mellon asked how many people are employed on the site. Mr. Cutler replied that the number of employees ranges from 3 to 5.

Commissioner Farrell asked how much money had been spent for improvement of the site. Mr. Cutler replied that $88,600 had been obtained from the Small Business Administration; however, the total cost for the improvement had been $125,000.

George Ohlander, President of the San Francisco Auto Dismantlers Association, stated that Mr. Crawford, the applicant, is an active member of his organization and had been involved in previous proposals for consolidated facilities for automobile dismantlers which had been disapproved by the City Planning Commission. As a result of the previous Commission disapprovals, it appeared that the Commission did not favor consolidated proposals; and, as a result, Mr. Crawford had gone to considerable expense to develop an attractive and smaller scale facility for his own activities.

President Newman asked other automobile dismantlers who were present in the audience in support of the subject application to stand. Approximately 13 individuals responded.

The Secretary called attention to a letter which had been received from the U.S. Small Business Administration in support of the application and a letter which had been received from Mattie Kimp, President of the Shafter Avenue Community Club, in opposition to any and all automobile wrecking activities which might be proposed for the subject neighborhood.

Mrs. Kimp, who was present in the audience, stated that she was especially opposed to the stacking of cars and the storage of cars in public streets.

Cecil Poole remarked that while the site may be fenced, the interior portion of the property is visible from nearby properties which have a higher elevation. He felt that the Commission should realize that approval of such uses in the subject neighborhood would be in opposition to the desires of the majority of the people who live in the area; and, if the subject application were to be approved, he felt that it was incumbent upon the applicant to conduct his business in the attractive manner in which it had been presented without stacking and without use of the street areas. He felt that residents of the subject neighborhood should be commended for the manner in which their dwellings have been maintained; and he believed that the Commission should have concern for the quality of the neighborhood when consideration is being given to applications such as the one presently under discussion. He also felt that the Commission should realize that some of the people who were in the audience to give enthusiastic support to the subject application are also anxious to obtain authorization for similar activities in the area.

No one else was present to speak in opposition to the subject application.

Mr. Steele believed that the proposed dismantling yard, surrounded by a ten-foot metal fence, would provide a desirable retail resale market for inoperable vehicles and used auto parts. The proposed access to the site by Carroll Avenue and Ingalls Street and Van Dyke Avenue would lie entirely in an industrial district; and, since the proposed operation would generate only four trips of its own daily, the traffic which would result would not be detrimental to neighboring land uses. He felt that land use in the vicinity of the site is consistent with the proposed operation; and, since the proposed yard would be in general conformity with the standards previously adopted by the Commission for location of automobile wrecking yards, he felt that it would have no detrimental effect on surrounding properties. Therefore, he recommended that the application be approved subject to 12 specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

Commissioner Porter noted that Condition No. 10 of the draft resolution specified that the Department of City Planning would inspect the subject property at least twice a year to determine whether activities on the site were in substantial compliance with the conditions being proposed. In view of the comments which had been made by Mr. Poole, she felt that the staff should be available to inspect the site whenever such a request is made by an interested individual.

Mr. Poole stated that he did not wish to recommend conditions which would encourage "busy-bodies"; however, he felt that it might be desirable for the draft resolution to require random inspections rather than twice a year checks.

Mr. Steele stated that members of the staff are in the subject neighborhood quite frequently; and he indicated that inspections of the site would be made more frequently than twice a year.

President Newman stated that he was especially concerned that access to the site should not be gained through residential areas; and he wondered if it would be possible to include a condition in the resolution which would limit the access route to specific streets.

Commissioner Mellon felt that such a condition would be un-enforceable since the applicant would have no control over the access routes chosen by his customers; however, since the easiest access to the site is through the industrial district, he felt that most people would prefer to follow that route.

President Newman asked if cars being towed to the site would be routed through the industrial district. Mr. Crawford, the applicant, replied that the usual access to the site would be through the industrial district; however, if a vehicle were picked up on Hunters Point Ridge, the driver would probably return to the yard through the residential district rather than going all the way back to Third Street.

Commissioner Ritchie stated that he intended to abstain from voting on the subject application because he owns property in the subject neighborhood.

President Newman asked if the conditions which had been recommended by Mr. Steele would be acceptable to the applicant. Mr. Cutler replied in the affirmative.

Subsequently, it was moved by Commissioner Rueda and seconded by Commissioner Mellon that the application be approved subject to the conditions which had been recommended by Mr. Steele.

Commissioner Porter observed that no neighborhoods in the City are in favor of having automobile wrecking yards located in their area; and she had indicated that the main reason for the opposition was the manner in which automobile wrecking yards have been operated in the past. When she had taken a field trip to the subject site, she had been impressed with the improvements which had been made by the applicant, including a well-painted 10-foot high fence, a good looking building, and room for customer parking; and she felt that those improvements would minimize neighborhood objections to the use. She also pointed out that the service provided by automobile dismantlers is essential to the City.

When the question was called, the Commission voted unanimously to adopt the draft resolution as City Planning Commission Resolution No. 6961 and to approve the application subject to the conditions which had been recommended by Mr. Steele. Commissioner Ritchie abstained from voting.

CU72.65 77-81 MINNA STREET, SOUTHEAST SIDE, 122 FEET NORTH OF SECOND STREET. REQUEST FOR AUTHORIZATION FOR A PARKING LOT WITH 60 PARKING STALLS, IN A C-3-O DISTRICT.

President Newman asked if any members of the audience were present to speak in opposition to the subject application. When no one responded, he asked the staff of the Department of City Planning to present its recommendation on the matter.

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), recommended that the application be approved subject to 6 specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

President Newman asked if the conditions which had been recommended by Mr. Steele would be acceptable to the applicants and received an affirmative response.

After further discussion it was moved by Commissioner Ritchie, seconded by Commissioner Porter, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 6962 and that the application be approved subject to the conditions which had been recommended by Mr. Steele.

CU72.64 897 CALIFORNIA STREET, SOUTHEAST CORNER OF POWELL STREET. REQUEST FOR AUTHORIZATION FOR A PARKING LOT WITH 30 PARKING STALLS IN A C-3-O DISTRICT.

President Newman asked if any members of the audience were present to speak in opposition to the subject application. On receiving an affirmative response, he requested the staff to proceed with its presentation of the matter.

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which is a rectangular lot with frontages of 49 feet on California Street and 124 feet on Powell Street for a total area of 6,100 square feet. The property, which is zoned R-5, is located in the Nob Hill Special use district and is subject to a 160-foot height limit. He stated that the City Planning Commission had adopted Resolution No. 6653 on November 5, 1970, granting conditional use authorization for a temporary parking lot for 30 automobiles on the site for a period not to exceed 2 years. The present application requested that the previous authorization be extended.

Jerry Thompson, 750 Powell Street, stated that he did not object to use of the subject property as a parking lot; however, he was concerned about the manner in which the parking lot had been operated. He indicated that his concerns were detailed in a letter which had been addressed to each member of the Commission; and he stated that if the conditions which had previously been established by the Commission could be enforced, he would have no objection to the proposed use.

Floyd Thompson, 750 Powell Street, stated that John Alioto, who had represented the applicants at the Commission's hearing two years ago, had stated that the subject property would be landscaped so that it would look like Golden Gate Park; however, that promise had not been fulfilled.

Mr. Steele recommended that the application be approved subject to 8 specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission. After summarizing the conditions and noting that Condition No. 3 would limit the renewal to a period of 3 years, he recommended that the draft resolution be adopted.

After further discussion it was moved by Commissioner Ritchie, seconded by Commissioner Porter, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 6963 and that the application be approved subject to the conditions which had been recommended by Mr. Steele.

PUBLIC HEARING ON ENVIRONMENTAL IMPACT HEARING FOR EVERGREEN PARK TOWNHOUSES AT BELLE AVENUE.

The Commission received and responded to comments made by members of the audience. After discussion, it was moved by Commissioner Porter, seconded by Commissioner Ritchie, and carried unanimously that Resolution No. 6964 be adopted and that the environmental impact report presented by the staff of the Department of City Planning be adopted. The Commission also found that the project will have a significant effect on the enviornment. A standard tape cassette recording of the proceedings is available in the offices of the Department of City Planning for public listening or transcription.

CU62.51 BELLE AVENUE, SOUTH LINE, 273 FEET WEST OF ST. CHARLES AVENUE; BELLE AVENUE, SOUTH LINE, 405 FEET WEST OF ST. CHARLES AVENUE; AND ST. CHARLES AVENUE, WEST LINE 66.66 FEET SOUTH OF BELLE AVENUE. REQUEST FOR AUTHORIZATION FOR THREE ACCESS DRIVEWAYS TO PROVIDE ACCESS TO A 37-UNIT TOWNHOUSE COMPLEX.

Robert Passmore, Planner V (Zoning), referred to land use and zoning maps to describe the subject property which is a triangular parcel with 61,500 square feet of area in Daly City and 38,800 square feet of area in San Francisco. He stated that the portion within Daly City is partially vacant and partially used by the Florel Arts Nursery. The portion within San Francisco is occupied by a single family dwelling at the driveway extension of Chester Avenue, the present driveway to the nursery, and the westerly end of Belle Avenue and the remainder of the nursery with the exception of the area east of the Chester Avenue Driveway including the driveway from St. Charles Averue which is vacant. The property located within San Francisco is zoned R-1. He stated that the applicant proposed to provide two access or egress driveways through R-1 zoned property in San Francisco to a proposed new condominimum subdivision containing 37 single family townhouses primarily located in Daly City. Conditional use authorization would be required because the density of the subdivision would be approximately 1 unit for each 2,700 square feet of lot area instead of the density permitted in R-1 District under the San Francisco City Planning Code of 1 unit for each 3,000 square feet of lot area. He indicated, however, that the portion of the proposed subdivision within San Francisco would have a density slightly less than that permitted in an R-1 District.

Commissioner Ritchie questioned the authority of the Commission to control residential density in San Mateo County. Mr. Passmore replied that the basic issue before the Commission was whether access would be granted to the site over R-1 property located in San Francisco; and he indicated that it appeared that the property could not be developed if the right-of-access were not granted.

George Choppelas, attorney for the applicant, stated that his client had acquired the subject property in 1945 and had operated a nursery on the site until 1962. The nursery had fronted on Junipero Serra. However, after the new freeway was constructed, access to the site was blocked; and the nursery had gone out of business. His client had brought suit against the State Division of Highways and had won the suit in 1970. In lieu of receiving cash, he was permitted to obtain title to adjacent land which was surplus to the needs of the State Division of Highways. At that point, his client had prepared plans for a 140 unit apartment house complex on the site; however, because of the concern expressed by the Department of City Planning and residents of the subject neighborhood, a decision had been made to try to lower the density of the project. An architect had been hired; and three alternative sets of plans had been prepared. Mr. Choppelas stated that the 12 dwelling units which would be located in San Francisco would conform to the San Francisco Planning Code restriction of 1 unit for each 3,000 square feet of lot area; however, the density of the remainder of the project would be one dwelling unit for each 2,700 square feet of lot area. He felt that the density of the proposed project would be comparable to the density of the adjacent neighborhood. A single family dwelling would be removed to provide access to the site; and the access route would be landscaped on both sides and in a center strip. He advised the Commission that the subject property is located only 200 yards from a BART station; and he stated that a shopping center is located within walking distance of the site. Under the circumstances, he felt that the applicants proposal to provide one parking space for each dwelling unit, with 27 or 29 additional parking spaces for guests, would be adequate.

Lloyd Gartner, architect for the applicant, described the site plan which he had prepared for the proposed project and displayed a sketch of the proposed development as it would appear from the adjacent freeway. He, also, noted that the property is located in close proximity to the BART station; and he indicated that his concept had been to plan a cluster-type development which would encourage people to walk or to use public transportation rather than to drive their own automobiles and add to the pollution problem. He stated that plans for the development had been reviewed on a number of occasions with representatives of the City Planning Department in both San Francisco and Daly City.

Commissioner Ritchie inquired about the reaction of the Daly City Department of City Planning to the proposed project. Mr. Gartner replied that the City Planner in Daly City is definitely in favor of the project; and he indicated that the project meets the Daly City density requirement of 1 dwelling unit for 2,500 square feet of lot area. In response to a question raised by President Newman, Mr. Gartner pointed out where the visitor parking spaces would be located.

Commissioner Rueda asked if low cost housing was being contemplated for the site. Mr. Choppelas replied that middle-income housing was being proposed.

No one else was present to speak in favor of the application.

Commissioner Ritchie felt that the Commission should not concern itself with plans for the project since the only matter which the Commission had jurisdiction over was whether access should be permitted to the site; and he remarked that it was his belief that every property owner should have the right of legal access to his property.

Mr. Passmore stated that the matter had had to come before the Commission because the total density of the project would exceed the San Francisco City Planning Code R-1 density restriction of one dwelling unit for each 3,000 square feet of lot area. For that reason, he felt that consideration of the plans for the proposed sub-division would be a pertinent factor in the Commission's deliberation. He stated that the matter would not have had to come before the Commission if the applicant had proposed from 5 to 7 fewer dwelling units.

President Newman assumed that approval of the conditional use application by the Commission would be tantamount to saying that the Commission favored the project. If the application were to be disapproved, the applicant would have to revise his plans and reduce the total number of dwelling units to 33 units.

Mr. Gartner emphasized that the 12 dwelling units which would be located in San Francisco would comply with the R-1 density standards of the San Francisco City Planning Code; and the overall density of the project would comply with Daly City's density standards. Yet, the project could not be approved by Daly City unless access to the site from San Francisco is authorized. In view of the project's compliance with the density standards in both communities, he did not feel that the staff of the Department of City Planning in San Francisco should hold the 3000 square foot density standard over his clients head.

Commissioner Mellon agreed with Mr. Gartner that the Commission should not be concerned about Daly City aspects of the project as long as the portion of the project which is located in San Francisco complies with San Francisco code requirements.

Mr. Passmore stated that the applicant was requesting permission to use R-1 property in San Francisco for access to property in Daly City which is zoned for higher density development than the property in San Francisco.

John McLean, 379 Chester Avenue, stated that both Chester Avenue and St.Charles Avenue are extremely narrow, making it difficult for vehicles traveling in opposite directions to pass. As a result, he was opposed to the proposed access driveways if they were going to serve as many as 37 dwelling units. When asked by Commissioner Ritchie how he would like to have the property used, he replied that he would prefer that it be developed as a playground; however, since he realized that the likelihood of such a development was slim, he would be prepared to go along with any development which would be acceptable to the Commission.

Robert Phillips, 376 Chester Avenue, stated that he had no objection to the applicant's desire to develop his property; however, he was concerned about the effect which the project would have on his neighborhood. He stated that adequate parking is available in the existing neighborhood; and he felt that adequate parking could be provided for the proposed development if the project were constructed at the same density as the existing neighborhood.

Commissioner Ritchie inquired about the density of the existing neighborhood. Mr. Passmore replied that the density figure for the proposed development had included the private street areas. If the public street areas of the existing neighborhood were to be included in density calculations, the density of the existing neighborhood would be less than one unit for each 3,000 square feet of lot area.

Commissioner Rueda asked if cars using the overpass to the BART station would travel through the existing residential neighborhood. Mr. Passmore replied in the affirmative but indicated that most of the traffic would use St. Charles Avenue rather than Belle Avenue.

Mr. McLean re-emphasized that streets in the neighborhood are too narrow; and, if additional traffic were to be introduced into the area, he feared that steps might be taken to prohibit parking on one side of the street.

Mr. Passmore recommended that the subject application be disapproved. He remarked that the two access driveways would serve a project which would have a greater density than that permitted by the R-1 provisions of the City Planning Code; and he indicated that no public need had been demonstrated for the excess density. He stated that the density of existing residence north of the proposed subdivision is less than that called for in the applicant's plans; and he remarked that the excess density in the project would result in inadequate open space and inadequate off street parking. The parking inadequacy would result in inconvenience to existing residents whose access streets would be used to provide space for excess parking for the proposed project. Furthermore, the inadequacies might result in rapid deterioration of the proposed subdivision. If 5 to 7 townhouses were to be removed from the plan, more adequate open space and parking could be provided; and conditional use authorization would no longer be needed for the access driveways.

President Newman stated that it appeared that the staff of the Department of City Planning was recommending disapproval of the application in order to force the applicant to reduce the number of units in the proposed project by a minimum of 5.

Commissioner Porter remarked that the applicant had previously requested permission for access driveways to a 140 unit apartment house complex. In the interim, a considerable amount of time had been spent to reduce the project to 37 units. If the present application were to be disapproved, it would mean a great deal of time had been wasted.

Commissioner Ritchie remarked that deletion of 5 or 7 dwelling units from the project would reduce the size of the project by 15 or 20 percent; and he pointed out that such a significant reduction might make the project economically infeasible The portion of the project which would be located in San Francisco would comply with the density provisions of the City Planning Code; and, for that reason, he felt that the project should be approved.

Commissioner Mellon moved that the application be approved.

Commissioner Farrell agreed with Commissioner Ritchie that deletion of 5 or 7 units would probably endanger the economic feasibility of the project; and he did not feel that the absence or existence of so few dwelling units would significantly alter the character of the development. He pointed out that there is a need for middle-income housing in San Francisco; and he noted that 12 of the units being proposed would be located within the City limits and would provide tax revenue. In view of those considerations, he seconded the motion which had been made by Commissioner Mellon.

Commissioner Porter asked if reduction of the number of units would make the project economically infeasible. Mr. Gartner replied that 40 dwelling units could have been proposed in conformance with Daly City's density requirements; however, his client had chosen not to take full advantage of the permitted density. However, if the number of dwelling units were to be further reduced, the price of the dwellings which would be constructed would be significantly increased.

When the question was called, the Commission voted unanimously to adopt Resolution No. 6969 and to approve the applicant's request for two access driveways in accordance with plans submitted for a 37 unit townhouse development.

At this point in the proceedings, Commissioner Mellon absented himself from the meeting room.

CU72.66 1124-1126 FELL STREET, NORTH LINE, 100 FEET WEST OF SCOTT STREET. REQUEST FOR AUTHORIZATION FOR A BOARDING CARE HOME (NURSING HOME) FOR TEN AMBULATORY PATIENTS IN AN R-4 DISTRICT.

President Newman asked if any members of the audience were present to speak in opposition to the subject application. Receiving a negative response, he requested the staff to present its recommendation on the matter.

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), recommended that the application be approved subject to 5 specific conditions which were contained in a draft resolution he had prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

President Newman asked if the conditions which had been recommended by Mr. Steele would be acceptable to the applicant.

Charles Turner, representing the applicant, indicated that the conditions would be satisfactory.

After further discussion it was moved by Commissioner Porter, seconded by Commissioner Rueda, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 6966 and that the application be approved subject to the conditions contained in the draft resolution.

At this point in the proceedings, Commissioner Miller arrived in the meeting room and assumed the seat which had been vacated by Commissioner Mellon.

PUBLIC HEARING ON ENVIRONMENTAL IMPACT REPORT FOR CALIFORNIA COLLEGE OF PODIATRIC MEDICINE.

The Commission received and responded to comments made by members of the audience. After discussion, it was moved by Commissioner Porter, seconded by Commissioner Rueda, and carried unanimously that Resolution No. 6967 be adopted and that the environmental impact report presented by the staff of the Department of City Planning be adopted. The Commission also found that the project will have a significant effect on the environment. A standard tape cassette recording of the proceedings is available in the officesof the Depatment of City Planning for public listening or transcription.

CU72.54 1770 EDDY STREET, CONSISTING OF THE MAJORITY OF THE BLOCK BOUNDED BY EDDY, SCOTT, ELLIS AND PIERCE STREETS.
REQUEST FOR AUTHORIZATION FOR EXPANSION OF THE EXISTING CALIFORNIA COLLEGE OF PODIATRIC MEDICINE ACCORDING TO ITS LONG RANGE MASTER PLAN; IN AN R-3 DISTRICT.

President Newman noted that Eddy Maddox, occupant of the building located at 1801 Eddy Street, had addressed the Commission during the public hearing on the environmental impact report for the California College of Podiatric Medicine to ask why the college could not expand westward towards Scott Street instead of eastward towards Pierce Street where his business is located. He asked if any other members of the audience wished to speak in opposition to the subject conditional use application. Receiving a negative response, he requested the staff of the Department of City Planning to present its recommendation on the matter.

Mr. Robert Passmore, Planner V (Zoning), advised the Commission that the California College of Podiatric Medicine is expanding westward toward Scott Street as well as eastward toward Pierce Street. He recommended that the application be approved subject to 9 specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

President Newman asked if the conditions which had been recommended by Mr. Passmore would be acceptable to the applicant. A representative of the applicant replied in the affirmative.

After further discussion it was moved by Commissioner Porter, seconded by Commissioner Rueda, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 6068 and that the application be approved subject to the conditions which had been recommended by Mr. Passmore.

CU72.55 1201-1211 BURKE AVENUE, SOUTH LINE, A THROUGH LOT EXTENDING FROM THE SOUTHWEST CORNER OF BURKE AVENUE AND NEWHALL STREET TO THE NORTHWEST CORNER OF NEWHALL STREET AND CUSTER AVENUE. REQUEST FOR AUTHORIZATION FOR AN AUTOMOBILE WRECKING OPERATION IN AN OPEN YARD IN AN M-2 DISTRICT.

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which is a rectangular lot having approximately 150 feet of frontage on Burke and Custer Avenues and 200 feet of frontage on Newhall Street for a total lot area of 29,975 square feet. The property, which is zoned M-2, is presently occupied by Atlas Auto Wreckers. The applicant had requested permission to continue operation of the automobile dismantling business in an open yard on the site. If the application were to be approved, the applicant had indicated that she would construct a 10-foot high steel panel fence around the property. In conclusion, Mr. Steele stated that a letter had been received from Robert L. Rumsey, Executive Director of the San Francisco Redevelopment Agency, urging that the application be denied because the subject property is located within the India Basin Industrial Park and because automobile dismantling is not consistent with the Redevelopment Plan for that area.

Earl Mills, project manager for the India Basin Industrial Park Project, stated that the proposed use would be inconsistent with both the South Bayshore Plan and the Redevelopment Plan for the India Basin Park. Furthermore, he felt that approval of the subject application would be inconsistent with the Redevelopment Agency's program to move automobile dismantlers out of the area.

Commissioner Ritchie asked if the subject property is to be acquired by the Redevelopment Agency. Mr. Mills replied that the property is now owned by the State Division of Highways; and he indicated that the State had leased the property to the applicant before the Redevelopment Project had commenced. He stated that the Redevelopment Agency would propose to purchase the property from the State and to sell it back to the State at a later date when plans for the Hunters Point Freeway are better defined.

Loraine Dunn, the applicant, stated that the State had indicated that it would grant her permission to remain on the property for 5 more years if approval of the subject conditional use application could be obtained from the City Planning Commission. She stated that the subject property will eventually be used for an approach to a freeway; and, as a result, it will never be used by the Redevelopment Agency. She advised the Commission that she had already constructed a 10-foot six inch high fence in front of the property; and she indicated that she would be prepared to make further improvements if the conditional use application were approved

No one else was present to speak in favor of or in opposition to the subject application.

Mr. Steele recommended that the application be disapproved. He emphasized that the property is located in the India Basin Redevelopment Project Area; and the use proposed by the applicant would be in direct conflict with the Redevelopment Plan for the area. New construction is contemplated for the general area; and approval of the proposed use, even on a temporary basis, would be detrimental to surrounding properties. In conclusion, he stated that no public need for the proposed use had been demonstrated which would out-weigh the other factors which he had mentioned.

Commissioner Ritchie asked when construction will begin on the first new building in India Basin Industrial Park. Mr. Mills replied that vacation of the property will be followed by a one year program of excavation and re-compaction of the soil; and he remarked that it would be more difficult to do the earth work if it is done on a piecemeal basis. He stated that the Redevelopment Agency has an agreement with the State that all costs which might be incurred in bringing the subject property up to building standards will be re-imbursed; and it is the intention of the Redevelopment Agency to do the earth work on the subject property at the same time that earth work is undertaken in other portions of the Redevelopment Project Area.

Commissioner Ritchie noted that the property in question is not owned by the Redevelopment Agency; he stated that he was concerned about the fact that the applicant would be put out of business if the subject application were to be disapproved.

Mr. Mills stated that the applicant had not sought relocation assistance from the Redevelopment Agency; and he indicated that use of the Redevelopment Agency's services might make it easier for her to move.

Miss Dunn stated that she was aware of the Redevelopment Agency's relocation program and indicated that she is having an appraisal made by the Redevelopment Agency at the present time; however, if the amount of money offered were not sufficient, she did not feel that she should have to be obligated to enter an agreement. She advised the Commission that she had lost a great deal of money during the last year because wreckers who were being forced out of business had sold their merchandise cheaply; and she felt that she could make up her losses if she could remain on the subject site for five years. When asked by Commissioner Ritchie if it would be possible for her to move to another site, Miss Dunn replied in the negative and stated that she would have to go out of business if the subject application were to be disapproved. In conclusion, she stated that it was her understanding that firms occupying other State-owned properties within the Redevelopment Project Area would not be required to move.

Mr. Mills stated that a van and storage firm which does occupy State-owned land will be required to move. In response to a question raised by Commissioner Ritchie, he stated that the van and storage firm will be required to move within the next five years.

Commissioner Porter stated that she could understand the Redevelopment Agency's objection to the proposed use if it were prepared to proceed with its plans immediately; however, if the agency did not intend to begin construction work for five years, she wondered if continuation of the subject use would really be detrimental.

Mr. Mills stated that approval of the subject application would mean that the Redevelopment Agency could not begin earth work under the subject property for at least five years; and he emphasized that the earth work cannot be done on a piecemeal basis. He stated that the intention of the Redevelopment Agency was to relocate fill material to the subject property in April, 1974.

Commissioner Ritchie felt that approval of the request for extension of the existing use of the subject property would not ruin the India Basin Industrial Park Project; and, therefore, he moved that the application be approved. The motion was seconded by Commissioner Farrell.

President Newman asked if it would be correct to assume that approval of the subject application would not affect the India Basin Industrial Park Project. Mr. Mills replied that approval of the application would mean that the Redevelopment Agency would not be able to do earth work on the property.

Commissioner Ritchie noted that the subject property is small in size; and he did not feel that the continued existence of the automobile wrecking yard for five years would jeopardize the Redevelopment Project.

President Newman asked if approval of the application would require amendment of the official Redevelopment Plan for the India Basin Industrial Park. Mr. Steele replied that it was his opinion that approval of the use for five years might be in violation of the City's co-operative agreement with the Redevelopment Agency and the Federal Government. Approval of the use for only one year might not conflict with the co-operative agreements; however, he doubted that the expenses which would be entailed in fulfilling the conditions which would be recommended by the staff of the Department of City Planning could be amortized in so short a time.

Commissioner Ritchie emphasized that the subject property is designated for use as a freeway right-of-way. After Mr. Steele had replied that the property might be needed for a thoroughfare for Candlestick Park if the freeway is not constructed, Commissioner Ritchie replied that that project, also, would not materialize with the next five years.

President Newman stated that he could not vote for approval of the application in good conscience if it would affect the plans of the Redevelopment Agency.

Commissioner Miller agreed with President Newman and further remarked that it would not be reasonable to make special provision for one dismantler to remain in the project area when 40 other dismantlers have been relocated elsewhere.

Commissioner Farrell replied that the applicant would have to go out of business if the application were to be disapproved; and it was for that reason that he had seconded Commissioner Ritchie's motion.

Commissioner Rueda stated that he would vote against the motion.

When the question was called the motion failed by a vote of 2 - 4. Commissioners Farrell and Ritchie voted "Aye"; Commissioners Miller, Newman, Porter, and Rueda voted "No".

Subsequently, it was moved by Commissioner Rueda, seconded by Commissioner Miller, and carried 4 - 2 that Resolution No. 6969 be adopted and that the subject application be disapproved. Commissioners Miller, Newman, Porter, and Rueda voted "Aye"; Commissioners Farrell and Ritchie voted "No".

At this point in the proceedings, Commissioner Porter absented herself from the meeting room for the remainder of the meeting.

CU72.67 3025 - 3059 GEARY BOULEVARD AND 100 COOK STREET, EXTENDING FROM THE SOUTHEAST CORNER OF GEARY BOULEVARD AND COOK STREET, 140 FEET EAST AND 125 FEET SOUTH.
REQUEST FOR AUTHORIZATION FOR AN AUTOMOBILE WASH WITH GASOLINE DISPENSING FACILITIES, IN A C-2 DISTRICT.

President Newman asked if any members of the audience were present to speak in opposition to the subject application. Receiving a negative response, he requested that the staff of the Department of City Planning present its recommendation on the matter.

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator) recommended that the application be approved subject to 6 specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

President Newman asked if the conditions which had been recommended by Mr. Steele would be acceptable to the applicant. Sam Roehl, representing the applicant replied in the affirmative.

After further discussion it was moved by Commissioner Ritchie, seconded by Commissioner Rueda, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 6970 and that the application be approved subject to the conditions which had been recommended by Mr. Steele.

The meeting was adjourned at 5:10 P.M.

Respectfully submitted,

Lynn E. Pio
Secretary

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SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, February 15, 1973.

The City Planning Commission met pursuant to notice on Thursday, February 15, 1973, at 2:15 p.m. in the meeting room at 100 Larkin Street.

PRESENT: Walter S. Newman, President; Mrs. Charles B. Porter, Vice President; John C. Farrell, Mortimer Fleishhacker, Thomas J. Mellon, John Ritchie, and Hector E. Rueda, members of the City Planning Commission.

ABSENT: None

The staff of the Department of City Planning was represented by Allan B. Jacobs, Director of Planning; R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator); Peter Svirsky, Planner V (Zoning); Samuel Jung, Planner IV; James White, City Planning Coordinator; Franz von Uckermann, Planner III (Zoning); and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner; Ralph Craib represented the San Francisco Chronicle.

APPROVAL OF MINUTES

It was moved by Commissioner Porter, seconded by Commissioner Mellon, and carried unanimously that the minutes of the meetings of January 11 and 12, 1973, be approved as submitted.

CURRENT MATTERS

Allan B. Jacobs, Director of Planning, reported that he and members of the Staff of the Department of City Planning had met with the Mayor of Puerto Vallarta, Jalisco, Mexico and several of his associates on Tuesday to discuss planning issues of mutual concern.

The Director advised the Commission that the Delancey Street Foundation had appealed a cease and desist order issued by the Department of City Planning requiring that occupancy of residential buildings located at 3001 Pacific Avenue and at 2563 Divisadero Street be brought into conformity with the City Planning Code. The argument of the Delancey Street Foundation is that they are a family, nothing more. The Department of City Planning contends that the foundation is not a family, but more like a boarding house or fraternity. The appeal will be heard by the Board of Permit Appeals on Monday, February 26 at 2:00 p.m.

Commissioner Mellon noted that the Director had participated in an excellent television program concerning Federally Assisted Code Enforcement during the past week and congratulated him on his effective presentation.

President Newman stated that a letter had been received from F. Bradford Niebling, attorney for the Sacramento-Sproule Lane Corporation, requesting extension of a conditional use authorization granted on August 2, 1970, for construction of a hotel on property located at the northeast corner of Sacramento Street and Sproule Lane. The Director stated that Mr. Steele, Assistant Director - Implementation (Zoning Administrator) will look into the matter and report back to the Commission at an early date.

R72.57 - ACQUISITION OF PROPERTY FOR AMBULATORY HEALTH CARE FACILITY TO SERVE THE HUNTERS POINT-BAYVIEW MODEL CITIES AREA; BLOCK 4849, LOTS 7, 8, 9, 10, 11 AND THE WESTERLY HALVES OF LOTS 5 AND 5A.

Samuel Jung, Planner IV, reported on this matter as follows:

" The proposed ambulatory health care facility site is the vacant western half of Block 4849 and contains 52,500 square feet. It is bounded by Keith Street on the west, Armstrong Avenue on the north and Bancroft Avenue on the south and zoned M-1.

"The subject block is surrounded by industrial uses on three sides with Bayview Playground located on Keith Street to the west.

"Bauer Cooperage Company of California, the owner of these lots, has offered to sell the property to the City. The City also has options to purchase the remainder of the block, when funds are available, with the exception of Lot 6 which is under separate ownership.

"A federal grant has been allocated for the purchase of the land and construction of the facility."

Allan B. Jacobs, Director of Planning, advised the Commission that the proposed building would be the subject of a conditional use application to be presented to the Commission at a later date. At the present time, the only issue before the Commission was whether the subject property would be an appropriate location for such a facility. He recommended that the Commission approve the location as being in conformity with the Master Plan.

Commissioner Porter asked how many patients would be handled by the proposed facility. Mrs. Taylor, representing the Hunters Point-Bayview Model Cities Agency, estimated that the facility would serve approximately 650 patients per day.

Commissioner Farrell inquired about the source of funds for construction and staffing of the facility. Mrs. Taylor replied that the first phase of the construction project would be funded 100 percent by the Federal Government. The facility would be staffed by the Department of Public Health.

After further discussion it was moved by Commissioner Mellon, seconded by Commissioner Porter, and carried unanimously that the Director be authorized to report that the acquisition of Lots 7, 8, 9, 10, 11 and the western halves of Lots 5 and 5A for an ambulatory health care facility is in conformity with the Master Plan.

R72.59 WIDENING OF HARNEY WAY FROM JAMESTOWN AVENUE TO ALANNA WAY AND HARNEY WAY PEDESTRIAN OVERPASS AT JAMESTOWN AVENUE.

James White, City Planning Coordinator, reported on this matter as follows:

"The project calls for the widening of Harney Way to provide for 5 lanes of traffic, 2 sidewalks and landscaping. Harney Way in the subject vicinity is presently 4 lanes of traffic without sidewalks. The project will require purchase of additional right-of-way of 15 to 17 feet on each side of Harney Way. Such purchase will be of land presently used for parking and will not result in the demolition of any existing structures. The proposed construction will involve only minor alterations of existing ground contours.

"The objective of the widening is to encourage increased use of Harney Way by Candlestick Park Stadium oriented traffic, and to discourage the use of residential streets to the north of the stadium by the same traffic.

"The second portion of the referral, a pedestrian overpass of Harney Way at Jamestown Avenue involves the lengthening and widening of an existing pedestrian overpass. The expansion will require the purchase of a small piece of vacant land at the southwesterly corner of Harney Way and Jamestown Avenue.

"The objective of the proposed 8 foot wide overpass is to eliminate the need for pedestrians to cross the surface of Harney Way thereby, improving traffic circulation on Harney Way and improving pedestrian safety and access from the south side of Harney Way to Candlestick Park Stadium.

"On January 16, 1973 the Director of Planning found that the proposed construction would not have a significant effect on the environment, and that no environmental impact report was required under the provisions of the California Environmental Quality Act."

Allan B. Jacobs, Director of Planning, recommended that he be authorized to report that the proposed widening and pedestrian overpass expansion is in conformity with the Master Plan. He also recommended that the Department of Public Works consult with the Department of City Planning concerning appropriate landscaping of the proposed right-of-way.

At this point in the proceedings, Commissioner Ritchie arrived in the meeting room and assumed his seat at the Commission table.

Richard Evans, representing the Traffic Engineering Bureau of the Department of Public Works, indicated that he was present to answer any questions which might be raised by members of the Commission. He hoped that the proposed project would be approved.

Mr. Spadia, representing the San Francisco Forty Niners, stated that he had received a number of complaints about automobile traffic on Jamestown and Gilman Avenues; and he believed that the proposed project would discourage motorists from using those streets for access to or egrees from Candlestick Park. He also noted that Harney Way has no sidewalks at the present time, thus posing a very dangerous pedestrian situation; and he believed that the proposed project would improve safety in the area.

President Newman inquired about the construction schedule for the proposed project. Mr. Evans anticipated that the pedestrian overpass could be completed before the start of the football season. Work on the widening of Harney Way had been planned so that it could take place during the baseball season; however, the work may not be completed until after the football season has begun.

Commissioner Mellon asked if the entire project would be covered by gas tax funds. Mr. Evans replied in the affirmative.

The Director stated that the proposed project would improve the flow of traffic to and from Candlestick Park; and, in addition, it would reduce the amount of traffic through residential sections on Jamestown and Gilman Avenues. He felt that additional steps could be taken to reduce the amount of automobile traffic on residential streets in the area; however, he felt that the proposed project would be a first step in the right direction.

Emmett McDonald, representing the Recreation and Park Department, urged approval of the proposed project. He stated that he had received many complaints about the safety of the present situation; and he felt that the improvements which would result from the proposed project would provide for greater public safety.

After further discussion it was moved by Commissioner Mellon, seconded by Commissioner Porter, and carried unanimously that the Director of Planning be authorized to report that the proposed widening and pedestrian overpass expansion is in conformity with the Master Plan and that the Department of Public Works consult with the Department of City Planning concerning appropriate landscaping of the proposed right-of-way.

R73.6 PORTOLA DRIVE VEHICULAR UNDERPASS AT ST. FRANCIS CIRCLE.

James White, City Planning Coordinator, reported on this matter as follows:

"The project is to construct an underpass for Portola Drive under St. Francis Circle. The construction, which includes changing existing curb lines and traffic islands along Portola Drive, Sloat Blvd., Junipero Serra Blvd. and West Portal Avenue, will be done completely within the existing right-of-ways. The underpass will consist of two lanes westbound from Portola Drive to southbound Junipero Serra Blvd. and westbound Sloat Blvd. The primary purpose of the project is to reduce the volume of traffic on the surface to the intersection to reduce delay and provide traffic signal preempt for an exclusive streetcar signal phase. The project should reduce congestion, minimize delay and reduce accidents and improve transit service.

"The project will not involve the closing of any private driveways to the streets involved in the project. The aesthetic treatment of the project is being developed by the architectural and planning firm, Whisler-Patri.

"St. Francis Circle is residentially developed except for the Pacific Telephone Operators Service Building presently under construction at the northwest corner of West Portal Avenue and Sloat Blvd. Local neighborhood groups have been shown the proposed plans by the Department of Public Works. The final routing of traffic to St. Francis Blvd. is still being studied but does not affect the construction of the underpass.

"This grade separation and the placement of signal pre-emption devices for the St. Francis Circle streetcar crossings are listed as a high priority transit street improvement in the Improvement Plan for Transportation. The project involves federal funding.

"On January 16, 1973, the Director of Planning found that the proposed construction would not have a significant effect on the environment, and that no environmental impact report was required under the provisions of the California Environmental Quality Act."

Commissioner Porter asked if plans for the proposed project had been prepared solely by the Department of Public Works or if they had resulted as a joint effort between the Department of Public Works and the Department of City Planning. Mr. White replied that preliminary plans for St. Francis Circle, as well as for West Portal, had been prepared by the firm of Whisler-Patri under contract to the City Planning Commission. The present plans represented a refinement of that original concept and had been reviewed in detail by the Department of City Planning and the Municipal Railway.

Commissioner Rueda remarked that it appeared that houses on the west side of Junipero Serra Boulevard would front on a cul-de-sac upon completion of the proposed project. Mr. Evans confirmed that fact and stated that the design had been worked out with the Lakeshore Property Owners Association who had requested that no access be provided from Junipero Serra Boulevard.

Commissioner Mellon asked if the St. Francis Homeowners Association was satisfied with the proposed plans. The Director replied that that aspect of the project was still under study and was not included in the present referral. He recommended that he be authorized to report that the proposed underpass and improvement of St. Francis Circle are in conformity with the Master Plan. He also recommended that the Department of Public Works be requested to consult with the Department of City Planning concerning appropriate landscaping and other design elements.

After further discussion it was moved by Commissioner Porter, seconded by Commissioner Fleishhacker, and carried unanimously that the Director of Planning be authorized to report that the proposed underpass and improvement of St. Francis Circle, as shown on Print No. SHI-72076.4 submitted with this referral, are in conformity with the Master Plan and that the Department of Public Works consult with the Department of City Planning concerning landscaping and other design elements.

At 2:50 p.m. President Newman announced that the meeting was recessed. Members of the Commission then proceeded to Room 282, City Hall, reconvened at 3:00 p.m. for hearing of the remainder of the agenda. Commissioner Rueda was temporarily absent from the meeting room.

ZT73.1 PUBLIC HEARING ON PROPOSED AMENDMENT OF THE CITY PLANNING CODE TO MODIFY OR DELETE THE PRESENT REQUIREMENT FOR TERMINATION OF DWELLINGS IN INDUSTRIAL ZONING DISTRICTS.

Peter Svirsky, Planner V (Zoning), reported on this matter as follows:

"I shall summarize the written report given when this proposed code amendment was initiated by the City Planning Commission on January 18.

"The Planning Code provides now, and has provided since 1960, that all dwellings in Industrial zoning districts shall be terminated in the year 1980. This termination does not apply to rooming houses and hotels, but only to units with kitchens.

"This is a common kind of provision in zoning laws, and it assumes both that industrial areas are not suitable for housing and that nonconforming housing that may exist in these areas will tie up land needed for industry.

"The Department has kept careful track of the dwellings affected over the last 13 years. The maps at the right side of the board show those now existing in red, and it can be seen that their general locations are in the South of Market, the northeast Mission, north and east of Potrero Hill, and in the South Bayshore. There are 616 properties all together, with 1,544 dwelling units.

"It is estimated that 5,200 people occupy these units, and therefore the issue is whether those people can expect to have to move seven years from now. In the Department's views, that issue should be addressed without delay in recognition of present housing policies in the city. If the law is changed now the owners and residents of this housing will be able to rely on that change, especially in buying properties and financing. Furthermore, the change would affect the ease with which the housing may be replaced by other uses.

"The policies favoring retention of these dwellings are indeed strong. Existing housing should be kept and improved wherever possible. Displacement of residents by public actions should be avoided except in special circumstances. A wide housing choice should be available, with special attention to the needs of families, low-income people and minorities.

"The Department's surveys show that the people occupying dwellings in Industrial areas are apt to be those most in need of special consideration.

"The units in these areas are larger than the city average, and the rents are lower. Household sizes are large, incomes are low, and about half the people are of racial and other minorities.

"It is also shown by these surveys that the housing affected is neither uniformly good nor uniformly bad in its condition, and that the industrial uses, the traffic and the many other factors studied in the surrounding environment have a quite varied effect on the quality of the housing and the livability of these areas in general.

"It cannot be said, therefore, that either the city's housing policies or the nature of this housing and its environment squares with the present requirement for termination in 1980. Nor can it be said, furthermore, that the presence of the housing is in any significant way holding back land needed for industry.

"The Department has considered possible amendments short of removing the termination date. A mere extension of time would be possible, but that would only postpone a real decision. Certain areas, or certain individual dwellings, might be given preference through a conditional use provision, or a selective rezoning might be carried out, but the pattern of buildings, of occupants and of environmental conditions does not lend itself to those kinds of partial amendments.

"Therefore, the Department recommended in its report of January 18 that the termination requirement simply be removed from the Planning Code by two small changes in the wording of Section 154 of the Code. It is also suggested that an amendment be made to Section 151, to add that the Planning Commission may grant conditional uses to permit additions and extensive alternations to owner-occupied dwellings, and also to permit adding of dwelling units within existing dwelling floor space. The first of these conditional use powers would simply be shifted from Section 154 where it now exists. The changes proposed are all in the draft resolution before you."

During the course of the presentation, Commissioner Rueda arrived in the meeting room and reassumed his seat at the Commission table.

President Newman asked for a show of hands of members of the audience present in support of the proposed amendments. After most of the people in the room had raised their hands, President Newman called for a show of hands of people present in opposition to the amendments and received no response.

William Clecak stated that he had been concerned about the status of residential buildings in industrial districts for the past four or five years. Mr. Passmore of the Department of City Planning had advised him not to go to the expense of filing an application for rezoning of property from industrial to residential because of the probability that the issue of residential buildings in industrial districts would be the subject of further staff study; and he was gratified that the study had been made and that the staff had recommended removal of the termination date. He stated that he was interested in properties located in the vicinity of Ninth and Folsom Streets.

Marjorie Wagner, representing the Central City Coalition, read and submitted the following prepared statement:

"Representatives of the member organizations of the Central City Coalition (CCC) met February 5 and adopted the following position:

"We support the proposed amendment regarding the deletion of the present requirement for the termination of residential dwellings by 1980 in Industrial Districts.

"We are here today to tell you of our support for this amendment because we are a neighborhood that will be greatly affected by it and because we do not feel that it goes far enough. We are also here in hopes that in the future we can all come to work together in achieving what will be most beneficial for this city and its residents.

"Our reasons for urging you to affirm the continuance of residential and industrial use in our neighborhood are the following;

"1. One of the assumptions behind this termination date was that industrial and residential usage in a single neighborhood was not practical. Since the turn of the century the people of South of Market have been proving this not to be the case. They are living side by side and the relationship is a compatible one.

"2. People with low and moderate incomes-i.e. old people on fixed incomes, newly-arrived immigrants, large families and others are having an increasingly difficult time locating places to live in San Francisco. South of Market remains one of the few places where housing at reasonable rents can still be found. The amount of housing available is not adequate nor do we have any promise that rents will be kept at reasonable levels. However with the elimination of this termination date and your further help on other crucial matters much can be done towards keeping rents reasonable, improving the present housing, and possibly someday increasing the housing stock.

"3. At the present time this city is forming a Fair Housing Planning Committee to work for the racial and economic integration of all of San Francisco. South of Market is known now to have the most nearly perfect racial integration of any San Francisco neighborhood.

"4. South of Market is a convenient neighborhood especially for people who must rely on public transportation.

"5. The weather is good and the land flat. This is an especially important consideration for the many elderly who reside in the neighborhood.

"6. Recently we came before you to request our long-promised park. We researched and presented you with the facts regarding the history of unfulfilled promises. It is our understanding that you are presently working on that request. A park is for people - people who live or work in the area of its location.

"To sum up, we like our neighborhood and we think that residential usage should be continued and encouraged there. The elimination of the 1980 termination date is a first step in that. A next step, a bigger and more crucial one, is doing a zoning study with an eye toward making some changes in the zoning categories. The pressure for high density development sparked by the Yerba Buena Project could possibly destroy all moderate and low income housing as long as the zoning allows for it. So now we again make request for a person from your department

to work with our organization on this matter. Also, we are anxious for some help with park site selection and hopefully development.

"We expect to cooperate with you fully in every way we can. Please let us know soon of your decision on our requests."

Walter Knox, also representing the Central City Coalition, indicated his agreement with the recommendation which had been made by the staff of the Department of City Planning for removal of the termination date for non-conforming dwellings in industrial districts. He remarked that there are very few industries left in the South of Market area because most of the firms have moved to other areas of the City or to other communities; and, as a result, he saw no reason for continuation of the industrial zoning of the area. He stated that the position which had been taken by his organization was supported by the Filipino-American Association and by groups in Chinatown.

A member of the audience asked if the proposed amendment of the City Planning Code would have any effect on the construction of new dwelling units in the South of Market area. Allan B. Jacobs, Director of Planning, replied in the negative and indicated that the only effect of the amendment would be to allow existing dwellings in industrial districts to remain.

Commissioner Porter asked if she were correct in understanding that existing dwellings in industrial districts could be reconstructed if they were to be destroyed by fire or other natural disaster. The Director replied in the affirmative.

James B. Phillips stated that he used to own buildings on Minnesota Street and had not been able to do anything with them; and he wished that the Commission had acted at an earlier date to remove the termination date for residential buildings in industrial districts. He asked if adoption of the proposed amendment would specify a period of time in which residential buildings in industrial districts would be allowed to remain. The Director replied in the negative, stating that the effect of the amendment would be to remove completely any deadline for removal of existing residential buildings in industrial districts.

The Director recommended adoption of a draft resolution which he had prepared for approval of the proposed amendments.

Commissioner Ritchie moved that the draft resolution be adopted. He felt that the statements which had been made by members of the audience had effectively described the problem which exists; and he indicated that he was pleased to see that mistakes which had been made in the past would now be corrected. He felt that a mixture of industrial and residential uses in the South of Market area gives the area activity and character; and he regarded it as a good part of the City in which to live. In his opinion, the original proposal to require elimination of the residential units in industrial districts by 1980 had been a mistake. Industries had moved out of the South of Market area because of high taxes and

and because of high land and labor costs; and he felt that the day may come when some areas zoned for industrial use will actually become even more residential in character. In fact, that trend is already in evidence on Clementina Street and close to Yerba Buena Center. He believed that properties located near Market Street in the South of Market area have a tremendous potential for residential development; and, if the Commission should fail to act favorably on the matter presently before it, he felt that the South of Market area would become like a graveyard at night after 1980.

The motion was seconded by Commissioner Porter.

Commissioner Fleishhacker stated that he would support the motion but not for the reasons which had been stated by Commissioner Ritchie. He pointed out that the proposed amendments would affect industrial districts other than those located in the South of Market area.

Commissioner Ritchie stated that his use of the term "South of Market" included industrial districts as far south as the county line.

Commissioner Fleishhacker felt that the purpose of zoning would be defeated by saying that it is proper to have residential uses in industrial districts just as much as if one were to say that industrial or commercial uses should be permitted in residential districts; and he did not feel that the Commission should "open the door" for mixed uses. While it might be possible to have special residential projects, such as planned unit developments, in certain industrial districts, permission for random construction of housing in industrial districts would inevitably result in districts which would be bad for both industrial uses and residential uses.

Commissioner Porter stated that she did not necessarily agree with Commissioner Fleishhacker. She remarked that the Commission has found a number of weaknesses in the San Francisco Zoning Ordinance since it was adopted in 1960; and she felt that changes would continue to occur in the years to come. It seemed to her that there is room for well-planned residential developments in industrial districts, making it possible for people to live nearer to the places where they work; and she remarked that the City in the future may not consist of vast areas of R-1, R-2, and R-3 properties but of areas in which residential and commercial uses are inter-related.

Commissioner Fleishhacker stated that he agreed that well-planned residential developments, with some considerable degree of control by the Commission, might not be bad in industrial areas; however, he stated that he would not be in favor of totally eliminating the restriction against residential development in industrial districts.

When the question was called, the Commission voted unanimously to adopt the draft resolution as City Planning Commission Resolution No. 6971 and to approve the proposed amendments of the City Planning Code to delete the present requirement for termination of dwellings in industrial zoning districts and make certain related changes as stated in the Resolution.

The meeting was adjourned at 3:30 p.m.

Following completion of the hearing, a member of the audience requested that the following letter from Sam Yuen, President of the San Francisco Area Planning Agency for Aging, be incorporated in the minutes:

"San Francisco Area Planning Agency for Aging is funded by the State of California Commission on Aging 'to develop a comprehensive and feasible plan for meeting the needs of the elderly (of San Francisco); to provide a coordinating mechanism for implementing such a plan; and to establish an agency at the local level with the capacity for ongoing and effective joint and cooperative planning and programming to meet the multiple needs of older persons' in San Francisco.

"The San Francisco APAA has not as yet developed its formal structure for a housing committee and therefore has not had an opportunity to review in depth the implication of proposals for zoning changes in Central City.

"We would like to point out, however, that since the needs of the elderly population in San Francisco for safe, decent and sanitary housing which they can afford, is already well-documented, we would like to state that we are emphatically in favor of any measure that would enhance this housing supply and opposed to any which would remove such supply without adequate replacement."

Respectfully submitted,

Lynn E. Pio
Secretary

ABJ

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, February 22, 1973.

The City Planning Commission met pursuant to notice on Thursday, February 22, 1973, at 100 Larkin Street at 1:00 P.M.

PRESENT: Walter S. Newman, President; Mrs. Charles B. Porter, Vice President; John C. Farrell, Mortimer Fleishhacker, Thomas J. Mellon, John Ritchie, and Hector E. Rueda, members of the City Planning Commission.

ABSENT: None

The staff of the Department of City Planning was represented by Allan B. Jacobs, Director of Planning; R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator); Robert Passmore, Planner V (Zoning); Peter Svirsky, Planner V (Zoning); Joseph Fitzpatrick,Planner IV, Community Planning Specialist; Daniel Sullivan, Planner IV (Zoning); Ronald Jonash, Planner III; John Phair, Planner III; Robert Feldman, Planner II; Wilbert Hardee, Planner II; and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner; Ralph Craib represented the San Francisco Chronicle.

1:00 P.M. Field Trip

Members of the Commission and staff departed on a field trip at 1:00 p.m. to visit properties scheduled for consideration during the Zoning Hearing to be held on March 1, 1973.

2:15 P.M. - 100 Larkin Street

APPROVAL OF MINUTES

It was moved by Commissioner Porter, seconded by Commissioner Rueda, and carried unanimously that the minutes of the meeting of January 18, 1973, be approved as submitted.

CURRENT MATTERS

Allan B. Jacobs, Director of Planning, informed the Commission that he had received a grant from the National Endowment for the Arts to do a photographic essay on San Francisco.

Wilbert Hardee, Planner II, presented and summarized a report which analyzed the population and housing characteristics of the South Bayshore area based on data derived from the 1970 census. Mr. Hardee also responded to questions which were raised by members of the Commission. The report is available in the files of the Department of City Planning.

The Director distributed copies of a draft ordinance which had been prepared under the auspices of the City Attorney and the Chief Administrative Officer, with assistance from the Department of City Planning, to implement the State law on environmental impact review. He indicated that the ordinance must be adopted and approved by the Mayor by April 5; and he suggested that the Commission might wish to review and discuss the draft ordinance before it is considered by the Board of Supervisors. The Commission requested that this matter be calendared for discussion on March 1 at 1:00 p.m.

Robert Passmore, Planner V (Zoning), advised the Commission that a letter had been received from Jane R. Brady, 85 Homestead Street, requesting that the Commission conduct a discretionary review of plans for a 41-unit apartment building proposed in her neighborhood. The letter also contained a petition which had been signed by a number of property owners and residents on 25th and Homestead Streets in support of the request for a discretionary review. Mr. Passmore stated that residents of the neighborhood were most concerned about the density of the proposed project and about the effect which it would have on traffic congestion in the area. Additionally, he indicated that plans which had been submitted for the proposed building did not provide the required rear yard area; however, he felt that it was doubtful that the objections of the neighborhood residents would be overcome if that code requirement were met.

The Director remarked that he was generally very cautious about recommending discretionary review hearings; however, because the proposed apartment building would have a major impact in a neighborhood which is basically single family in character, he recommended that plans for the project be brought before the Commission for discretionary review.

After discussion, it was moved by Commissioner Fleishhacker, seconded by Commissioner Ritchie, and carried unanimously that the discretionary review be held and that the Zoning Administrator be requested to set a date for the hearing.

CU72.45 - 1850-51 NEWCOMB AVENUE, NORTHEAST AND SOUTHWEST SIDES OF MCKINNON AVENUE, APPROXIMATELY 150 FEET NORTHWEST OF PHELPS STREET.
REQUEST FOR AUTHORIZATION FOR AN AUTOMOBILE WRECKING OPERATION IN AN OPEN YARD IN AN M-1 DISTRICT.
(UNDER ADVISEMENT FROM MEETING OF FEBRUARY 1, 1973)

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), noted that this matter had been taken under advisement from the meeting of February 1, 1973, to enable the staff of the Department of City Planning to formulate specific conditions to govern the proposed use. He distributed copies of a draft resolution which contained 11 specific conditions; and, subsequently, he summarized and commented upon the proposed conditions.

President Newman asked if the conditions which had been presented by Mr. Steele would be acceptable to the applicant. Mr. Elkhorn, the applicant, replied in the affirmative.

Robert Hodges, representing the Bayview-Hunters Point Model Neighborhood Commission, remarked that the members of his commission had adopted a resolution several years ago stating that they would be opposed to approval of any additional wrecking yards in their neighborhood. Nevertheless, he had understood that the City Planning Commission had acted to approve two new automobile wrecking yards in the area during its meeting on February 1. In taking those actions, the City Planning Commission had overlooked a policy resolution adopted by another Commission which is empowered to make decisions for the South Bayshore Area; and he felt that the action of the City Planning Commission was very disrespectful. While the conditions which were being proposed for the subject application might seem to be quite stringent, the proposed wrecking yard would still add to the blight in the area. He stated that his Commission intended to appeal the actions which had been taken by the City Planning Commission.

Commissioner Ritchie inquired about the number and minority status of the employees on the applicant's payroll. Mr. Elkhorn replied that he employs 10 people. Six are members of minority groups.

Commissioner Ritchie observed that wrecking yards may be ugly looking and they might have a blighting influence; however, he emphasized that they do provide jobs.

President Newman remarked that the subject wrecking yard is already in operation; and he asked if the conditions which had been recommended by Mr. Steele would result in a substantial upgrading of the operation. Mr. Steele replied in the affirmative.

George Choppelas, attorney for the applicant, reminded the Commission that residents of the subject neighborhood had appeared before the Commission on February 1 to speak in favor of the application; and he noted that the Commission, at the conclusion of the previous hearing, had voted to approve the application subject to conditions which were to be formulated by the staff of the Department of City Planning in consultation with the applicant. Mr. Choppelas stated that one of the conditions which had been recommended by the staff would require that the entire site be enclosed by a uniform solid galvanized fence with a baked enamel finish and with a height of at least 10 feet; and he indicated that the cost of the materials for the fence would be approximately $3,500. Nevertheless, the conditions which had been recommended by the staff of the Department of City Planning were satisfactory to the applicant.

Commissioner Ritchie asked Mr. Choppelas if he felt that the proposed automobile wrecking yard would have any effect on the program of the Bayview-Hunters Point Model Neighborhood Agency. Mr. Choppelas replied that he had been surprised at the number of residents in the neighborhood who had indicated their support of the proposal, providing that the operation is limited in scale. They had felt that the automobile wrecking operation provides a service to the neighborhood by selling automobile parts which would not be available otherwise; and they had stated that the abandonment of cars on local streets causes a greater problem than automobile wrecking yards.

President Newman remarked that any action taken by the Commission on the subject application could be appealed to the Board of Supervisors.

Mr. Hodges stated that more than 40% of the industrial land in the South Bayshore area is used by autowreckers; and he emphasized that automobile wreckers have a low employment pattern. He stated that his Commission wished to encourage development of industries which would be beneficial to their community; and he indicated that they would appeal the Commission's approval of the subject application. He stated that he had not been notified that the matter was to be considered by the Commission on February 1; otherwise, he would have attended that meeting to object to the proposal. In conclusion, he stated that his Commission was opposed to approval of any additional automobile wrecking yards in their neighborhood in the future.

Commissioner Ritchie asked Mr. Hodges if he could recommend an alternate location for the automobile wrecking yard. Mr. Hodges replied in the negative.

After further discussion it was moved by Commissioner Fleishhacker, seconded by Commissioner Porter, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 6972 and that the application be approved subject to conditions which had been recommended by Mr. Steele.

At 3:10 p.m., President Newman announced that the meeting was recessed. Members of the Commission then proceeded to Room 282, City Hall, and reconvened at 3:20 p.m. for hearing of the remainder of the agenda. At this point in the proceedings, Commissioner Mellon arrived in the meeting room and assumed his seat at the Commission table.

3:20 P.M. Room 282, City Hall

Public Hearing to consider changes in zoning height and bulk districts (reclassifications), as follows, including consideration of changes to some intermediate district or districts in each case:

ZM73.1 Irving Street between 19th and 24th Avenues. Change from 65-A and 105-A to 40-X.

ZM73.2 Upper Market Street area, in the vicinity of Castro Street, and between Sanchez Street and Van Ness Avenue. Change from 65-A, 80-B, 105-E, 160-H and 320-I to 50-X, 65-B, 80-B, 105-E and 160-H.

ZM73.3 University of California Medical Center (portion), vicinity of Parnassus and Fifth Avenues. Change from 65-D and 130-D to 40-X.

ZM73.4 Pacific Heights area, south side of Sacramento Street between Fillmore and Buchanan Streets, and blocks bounded by Sacramento, Gough, Bush and Laguna Streets. Change from 80-A to 40-X.

ZM73.5 Robert Dollar property and vicinity, block bounded by California, Battery, Pine and Sansome Streets, and portions of two adjacent blocks. Change from 600-I to 500-I.

ZM73.6 Geary and Arguello area, Geary Bouelvard between Jordan and Third Avenues. Change from 80-A to 40-X.

ZM73.7 Fulton Street, north side, between 14th and 18th Avenues and between 24th and 27th Avenues. Change from 65-A to 40-X.

President Newman welcomed members of the audience and called on Allan B. Jacobs, Director of Planning, to introduce the matters which were before the Commission for consideration.

The Director summarized the matters which were before the Commission for hearing as follows:

"These seven proposed changes in height and bulk zoning districts were initiated at the Board of Supervisors and were sent to the Planning Commission for a required public hearing. The amendments were all introduced for consideration by one Supervisor, and as proposed ordinances they were referred as a matter of course to the Commission. This occurred several months ago, and the delay in scheduling this hearing was due in large part to the complexity of preparing and sending the required notices.

"The seven items before the Commission today remain from the long process that led to adoption of the citywide height and bulk controls last August. That process spanned an entire year, and it included six public hearings by the Commission, attended by nearly 3,000 people. After those hearings the Commission made substantial changes in the proposals, nearly all in terms of greater restriction, and approved the revised height and bulk maps by a unanimous vote.

"The matter then went to the Board of Supervisors, where the approval was again unanimous after an extensive committee hearing. At the Board, however, there were a number of issues that remained, and rather than vote on these issues as reported by its committee, the Board referred the matters back to the Planning Commission. For the Board this meant an easy adoption of the citywide proposals, but for the Commission it means going over the same ground covered in the earlier hearings.

"Very briefly, the seven areas involved in today's hearing are as follows:

"1. Irving Street in the five-block commercial area just west of 19th Avenue. This area has existing height limits of 105 feet in the

first three blocks and 65 feet in the remaining two blocks. In the original proposals, a portion had been 160 feet, but this was lowered by the Commission and the commercial area east of 19th Avenue was all reduced to 40 feet. The proposal now is to reduce the remaining 105- and 65-foot areas to 40 feet. In this case and in the other six cases, the Commission can also consider limits between the ones now in effect and the ones being proposed.

"2. The Upper Market area, from Castro Street to Van Ness Avenue. There are a variety of existing limits here, and many of them have been reduced from the ones originally proposed. What is now being asked for is a reduction of the 65-foot area around Castro Street to 50 feet, the 80 feet east of Church to 65, the 105 feet to 80 feet, the 160 feet to 105 feet and the 320 feet at Van Ness Avenue to 160 feet.

"3. A portion of the University of California Medical Center. This is primarily the proposed site of the School of Dentistry at Parnassus and Fifth Avenues, where the present limits are 65 and 130 feet. The City does not have zoning control over this State institution, but the limits are still designed to indicate the maximum desirable extent of the proposed building. Most of the limits at UC were reduced from the original proposals. The request now is for reduction to 40 feet in the School of Dentistry area.

"4. Two areas in Pacific Heights. One of these is on the south side of Sacramento Street next to Pacific Medical Center, and the other is below Lafayette Park, extending from Sacramento to Bush. Here the present limit is 80 feet, and the proposal is to lower it to 40 feet. Elsewhere in Pacific Heights, many of the limits were drastically reduced in the Commission's earlier action.

"5. The block owned by the Robert Dollar Company. This is the downtown block bounded by California, Battery, Pine and Sansome Streets, and portions of two other blocks also would be affected. The limit now is 600 feet, which was increased from a proposal of 500 feet before Commission action. The request is to go back to 500 feet.

"6. The Geary and Arguello area, between Jordan and Third Avenues. Here the existing limit is 80 feet, a reduction from the 130 feet originally proposed. What is being considered now is a further reduction to 40 feet.

"7. Two areas on Fulton Street next to Golden Gate Park. These are between 14th and 18th Avenues and between 24th and 27th Avenues. Originally the proposed limit was 80 feet; this was reduced to 65 feet, and the request is now to go to 40 feet."

Anna Thomson, 1327 - 7th Avenue and a representative of the Inner Sunset Action Committee (ISAC), read and submitted the following prepared statement:

"I am a property owner and a long-time resident of the Inner Sunset. I am co-chairman of the Housing & Zoning Committee of ISAC (the Inner Sunset Action Committee). ISAC has several times presented its views on height and bulk limits and went into great detail (with illustrations) in its report of April 20th, 1972. We ask you again to refer to pages 34 and 35 for our recommendations to reclassify Irving Street between 14th and 24th Avenues to 40X; and to the introduction, pages 8 and 9, and pages 21 to 34, which deal specifically with UCSF, with its problems and solutions for the Inner Sunset.

"ISAC's position has not changed from our presentation at former hearings. The area along Irving Street from 19th Avenue west to 24th Avenue is a natural continuation of Irving Street from 19th Avenue east and should not have increased height and bulk limits which would permit the construction of a long narrow five-block canyon of tall buildings. This would be contrary to the urban design plan, because it would cut off views to the Ocean and Golden Gate Park for residents of the Sunset. It would overwhelm the present small-scale, low-density, residential character of the neighborhood, as well as intensifying the present traffic and parking problems. We urge the Planning Commission to reclassify the area on Irving Street from 19th to 24th Avenues to the designation 40X.

"For the UCSF's properties under consideration (Block 1849, portion of Lot 54, & Block 2634A, portion of Lot 11) we urge the Commission to change the classification from 65' & 130' to 40X. In addition to the detailed reasons on the pages cited above, we'd like to add these comments.

"We should like to encourage the University to become part of the neighborhood; and the designation 40X would prevent another wall of tall buildings from separating the University from the community. Instead of uprooting families and razing homes, if the University developed the area with the same sensitivity to the environment and the exquisite good taste they used in developing their housing on the southern slopes of Mt. Sutro, they would provide some of the much needed housing for their own personnel and their families, and alleviate part of the traffic congestion and parking problems that have become a nightmare to residents of the Inner Sunset. There couldn't be a more ideal situation--wooded slopes to the east and south, and views of the Pacific Ocean and the Golden Gate to the west and north; substantial homes are already in place with no threat of landslides or floods; a short walk to work at the University or to public transportation, with none of the headaches of commuting; a good place for children to grow and play, with large backyards, clean air, and no towering walls to block out the sun. San

Francisco is still a good place to live, if we can only preserve our neighborhoods. You can help by classifying this area to 40X and encourage its development as a family-oriented neighborhood, and discourage the proliferation of cars, air pollution, traffic congestion, parking structures, and overwhelming concrete walls which not only blot out the sun, but also the views for which San Francisco is world-famous."

Emmy Mayer, 1330 Portola Drive, asked when the University of California Medical Center will buy property which she owns in the area. Derek Parker, consulting architect for the University of California, stated that the University has no plans to purchase additional properties in the vicinity of the Medical Center.

William H. Watson, 2351 Market Street, read and submitted the following letter which had been prepared by Joseph Fischer, President of the Eureka Valley Merchants Association:

"As previously stated by our Association to both your Commission and the Board of Supervisors, we are opposed to any further reduction in height limitation of construction in the Upper Market and Castro Street area.

"Again, at the recent February meeting of the general membership of our Association, it was unanimously voted to oppose any further reduction in height limitation of construction in the Upper Market and Castro Street area.

"It is respectfully submitted that your Commission accept and approve our requests in this matter."

Mr. Watson stated he felt that development is about to take place along upper Market Street; and he indicated that the Eureka Valley Merchants Association believed a height limit of at least 65 feet would be necessary for the new development. In conclusion, he stated that his organization felt that Market Street should be kept as a metropolitan thoroughfare, not restricted to a "cow-pasture" status. President Newman inquired about the number of people who have membership in the Eureka Valley Merchants Association. Mr. Watson replied that the association has approximately 80 members.

Derek Parker, representing Chancellor Sooy of the University of California Medical Center, noted that the University had agreed to use the height and bulk ordinance adopted by the City Planning Commission and the Board of Supervisors as a guide to future development on the campus. Subsequently, plans for expansion of the campus had been modified for two principal reasons. First, the principle of a "soft edge" campus had been adopted to enhance the transition between the campus and the adjacent residential area; and, as a result, a decision had been made that no additional properties around the edges of the campus would be purchased. Secondly, the proposed school of dentistry had failed to achieve Federal

funding; and, as a result, the proposed facility had been redesigned and relocated. Mr. Parker felt that arbitrary imposition of the proposed amendment could have one of two results. One result would be to force the University to develop the campus from property line to property line. A second result would be for the University to ignore the amended ordinance. However, in view of the fact that the University has been looking forward to a new era of co-operation, he did not feel that such a step would be desirable. While he felt that the University could go a long way toward meeting the purposes of the proposed ordinance amendment, he emphasized that some flexibility would be necessary; and, consequently, he suggested that he be given an opportunity to work further with the staff of the Department of City Planning in an effort to arrive at mutually acceptable height limits for the University of California property. In conclusion, he stated that he felt that acceptance of the proposed amendment by the Commission at the present time would be premature and possibly counter-productive.

Commissioner Porter observed that the University of California has been cooperating with the Department of City Planning even though such cooperation is not mandatory. In fact, if the University were so inclined, it would have the right to construct any building whatsoever on its campus without having to obtain permission from the City. Under the circumstances, she felt that the Commission should accept the University's offer to work further with the staff of the Department of City Planning to modify height limits for the campus.

Ben Mortara, President of the 1901 California Street Corporation, stated that he represented the owners of a cooperative apartment house located on the southwest corner of California and Gough Streets. He stated that the intersection of California and Gough Streets is one of the busiest intersections in town, especially during the morning and afternoon rush hours; and he felt that the proposal to turn the neighborhood into a "suburban type residential area" through imposition of reduced height limits was ludicrous. He remarked that a number of relatively high apartment buildings already exist in the subject neighborhood; and he did not feel that people should be required to purchase large single family residences in Pacific Heights in order to remain in the City. If the Commission were to shut off access to the Central Freeway from Gough Street and to take certain other major steps of that sort, the area in the vicinity of California and Gough Streets might be suitable for development of single family dwellings; however, under present circumstances, he felt that the neighborhood is best suited for development with high rise apartment buildings.

Henry Sommer, 2204 Irving Street, represented the Irving Street Merchants Association. He noted that the president of his organization had addressed a letter to the Commission supporting the request for reduction of height limits along Irving Street between 19th and 24th Avenues to 40 feet. He stated that construction of apartment buildings with a height of 100 feet along the street would inevitably result in the removal of "mom and pop" stores in the area; and he indicated that people who live and work in the area prefer it to remain as it is. He also felt that higher height limits would increase parking problems in the area; and he advised the Commission that the parking situation along Irving Street is already a serious problem.

Commissioner Fleishhacker stated that it was his understanding that properties along Irving Street had been subject to no height limits whatsoever prior to adoption of the height and bulk ordinance last summer. Mr. Sommers stated that the members of his organization favored impositionof a 40-foot height limit on Irving Street in any case.

Commissioner Ritchie noted that the letter which had been received from the President of the Irving Street Merchants Association stated that the merchants were of the opinion that the heights of properties on Irving Street should "remain as they are"; and he asked if that meant that the merchants wished to have height limits along the street restricted to the height of existing buildings. Mr. Sommer replied in the affirmative and indicated that a 40-foot height limit probably achieve the same result.

Jay Levine, 2504 Pacific Avenue and a member of the Board of the Pacific Heights Association, read and submitted the following prepared statement:

"The reason that we of the Pacific Heights Association are before you again is to present up-to-date information on the 10-block area South of Sacramento Street, and urge you to consider lowering the height limit from 80 feet to 40 feet.

"Last year we waived requesting this height change before this Commission, in the interest of the City-wide height ordinance. However, we did ask the Board of Supervisors to consider it as an amendment to the plan and again withdrew it, when we thought it might jeopardize the overall plan.

"With the splendid cooperation of the sub-neighborhood property owners involved, the report and statistics before you was produced to reaffirm this request.

"We feel that their cause is convincing and we would now like to convince <u>you</u> that it is.

"Our position is that the sub-area is a fragile one, affecting a lot of people living in and passing through it, and that it is an environmental asset of San Francisco.

"There are as fine old Victorian houses here as anywhere in the City. Their owners will become demoralized if 80 foot buildings begin to infiltrate the gardens and existing scale of housing. Although private, these homes keep needed low density and open space for the City as a whole.

"For this reason and others, the Association is bringing suit against a developer on Sacramento Street, to stop construction of an 80 foot high building. This suit is to protect the many property owners affected, and further to protect the public users of Lafayette Park--its views; its sunlight; its open character.

"To the West of these 10 blocks exists a 40 foot height limit, and South of Bush the Redevelopment Agency is doing much to rehabilitate the area.

"The present property owners have and are going much to improve and rehabilitate their buildings with private, as against public, funds and with pride in heritage. It is these people whom we feel should be helped and encouraged and we ask you to bear with us for a short time to review these considerations."

Craig Beckstead, 226 California Street and a member of the Pacific Heights Association, submitted a sheet of statistics derived from petitions which had been gathered by his organization, together with maps on which the response of property owners in the area to the proposal for height limit changes was recorded. He then proceeded to read and submit the following prepared statement which was illustrated with the use of photographic slides:

"You have before you our statistics. They clearly show Pacific Heights residents want a 40' height limit.

"90% of the property owners south of Lafayette Park said they want a 40' height limit.

"75% of the property owners south of the Pacific Medical Center endorse our request.

"The two maps we have supplied you indicate the actual response by block and lot.

"Our overwhelming support cannot be presented in cold statistics alone.

"The very subject of urban design has to do with people and their experiences.

"Above all, it has to do with visual and other sensory relationships between people and their environment, with their feelings of time and place and their sense of well-being. To help you understand our feelings and needs, we have prepared the following slides of our neighborhood.

"This is the view to the south from the crest of Lafayette Park, overlooking Sacramento Street between Gough and Octavia. The UDP's first policy for City Pattern states that overlooks and viewpoints for appreciation of the city should be protected and supplemented by limitation of buildings and other obstructions where necessary. Lafayette Park was placed at the top of a hill to provide the public with a splendid view.

"This slide shows what would happen to that view if you sanction 80' construction south of the Park.

"This is Sacramento Street between Gough and Octavia, prior to the demolition of the Molera House and the home next door. This block was a perfect example of visual harmony in scale and transition between new and old buildings, built during the course of a century.

"Demolition of the Molera House not only robs the city of an irreplaceable historic resource, but the building proposed for this site is overwhelming in bulk and dominating in appearance.

"The existing apartment at Sacramento and Octavia casts shadows on Lafayette Park. Existing buildings to the east, already tall, block the views. A 40' height limit south of the Park would promote buildings which respect and improve the integrity and enjoyment of public open space.

"This is the north side of California Street between Gough and Octavia, directly behind the former Molera House. You can see the present scale and density is low. Property owners want to protect the livability of their residential properties, despite the flurry of offers from speculators to buy their homes since the Molera House was demolished. The 'Atherton' Home on the left has been selected as a potential landmark by the Landmarks Advisory Board. Its external details, as well as those of the adjacent Italianate, provide visual interest to the streetscape. Their gardens add to the city's open space.

"The present owner/occupant of the 'Atherton' Home is aged and without heirs. Chances for the home's survival are no better than the Molera House unless we reduce the height limit and remove economic pressures which threaten this crucial link with past events and architectural styles.

"We do not mean to imply that all of our buildings are low. As you can see here on Octavia between California and Sacramento, we do have some larger buildings; they are generally older, with commodius apartments. They are unlikely to be torn down because they are profitable. Their owners admit this and support our request for the 40' height limit. Preservation of older, low and small scale buildings amidst these larger apartments is essential to maintenance of our viable neighborhood environment.

"Interior gardens, albeit private, maintain a sense of green space and produce a more livable environment for everyone on the block. These gardens cannot survive in the shadow of 80' buildings. The present fulfilling experience of gardening would be lost and our daily lives further eroded.

"This is Sacramento at Octavia, and further illustrates the shadow effects and loss of view when tall buildings are built around a Park.

"Sacramento at Laguna, however, is low in scale and allows enjoyment of the view toward Mt. Sutro from the Park. The transition and visual harmony of the new apartment at 2171 Sacramento, demonstrates new construction can reflect the character of adjacent older buildings and fit-in without jarring contrasts.

"Laguna Street between Sacramento and California is all low-scale, in fact, the tallest building is a Victorian home. You can also note the general respect for the topography when building heights are low. The owners of these buildings want their neighborhood preserved and their homes protected from the encroachment of high buildings.

"This is the north side of California between Laguna and Octavia. The row of Victorian homes, all listed in 'Here Today', have been carefully restored. They have frequently been used in films and advertising because they represent San Francisco's unique character. The property owners are willing to forego the possible economic gain of an 80' height limit to preserve life.

"In contrast, the opposite side of the street lacks human relief and is an island of mid-rise apartments. None of the owners live in their buildings and with one exception did not respond to our petition. Nevertheless, tenant support is good; many of the older tenants have been in this neighborhood for 30 years and feel as strongly as we do that a 40' height limit is appropriate. The half block behind these apartments, immediately to the south and fronting on Pine, has already been zoned 40'.

"This is the south side of California between Octavia and Gough. Again, low in scale with a viable mixture of flats and apartments. Willis Polk's home for Constance de Young happens to be the tallest structure and has been selected as a potential landmark. The daily lives of the residents in this block have been grievously eroded by the construction of the S.F.H.A. facility on Pine Street. The property owners who remain as occupants of their buildings want protection from the further encroachment of high buildings.

"Four houses on Gough between California and Pine are listed in 'Here Today'. These homes are obviously low scale, and are remarkable in that they are close to downtown, well-maintained, and more practical in size for single family dwellings than are most Victorians.

"This is the north side of Pine Street between Gough and Octavia. The UDP's call for moderation of new development to complement city pattern has obviously been ignored! The SFHA's buckling project is a massive intrusion upon this distinctive district through its visual dominance and height. The gardens and trees characteristic of our neighborhood are no where to be found amidst the new construction.

"On the south side of Pine, the scale is still low and human. The Buddhist Church of America is visible at Octavia. These properties back on to Austin and the owner/occupants want to retain the residential nature of these blocks-despite the noise, pollution and physical danger of increasing traffic on Pine and Bush, this area remains intact as a viable neighborhood.

"On the north side of Bush, the new blank facade of the Housing Authority has detracted from the neighborhood's character. Owners of the remaining homes want you to validate their existing height and right to life."

John Beckham, also a member of the Pacific Heights Association, read and submitted the following prepared statement which was illustrated with the use of photographic slides:

"Almost the same arguments which Mr. Beckstead has advanced in favor of 40 foot zoning in the area south of Lafayette Park may be advanced for similar zoning in the portions of blocks 636 and 637 facing on Sacramento Street. As the Commission will note, the California frontage of these same blocks is zoned for 40 feet already, so that the area in question is a strip one and one-half blocks long and half a block wide. Except for the Pacific Medical Center, which faces these blocks on Sacramento, the blocks surrounding this strip are all zoned at 40 feet. Why, then, are we so concerned about this area?

"This slide was taken from Sacramento between Fillmore and Webster. As this slide indicates, there are no tall buildings in this area at the present time, although many of the buildings have been built in recent years. The dominant building in this area is the Lane Library of the Pacific Medical Center, which architecturally complements the neighboring synagogue, which shaves the block of Webster with it.

"The second slide shows Sacramento looking from Buchanan toward Webster. You will notice that these are all high quality buildings built to human scale.

"Tucked in behind these are two of the amenities of our neighborhood which would inevitably be lost were this area to remain zoned at 80 feet, a neighborhood grocery store and a laundromat. You will also notice next door to these the pink Victorian house. This was the home of the famed architect Willis Polk. This area is low rise and sunny, providing a pleasant contrast with the Brutalist buildings of the Pacific Medical Center.

"At the corner of Webster and Sacramento, facing Webster, are two small Victorians in good repair, the owners of which have enthusiastically signed our petition because they value their lifestyle, which they feel is threatened by further potentially high construction.

"This slide gives a somewhat better idea of what the building on the corner looks like, and this final slide shows the relationship of these low buildings to the one tall building in the area, the John F. Kennedy Towers, which members of this Commission have deplored as a classic example of incongruous building.

"Incongruous building--that is what we are opposed to in this neighborhood. Not necessarily new building, proud though we are of the fine older homes in this area, and desirous though we are of saving them, but incongruous building, building which will ruin the amenities of life for those who live nearby, destroying stores, eating up parking, choking a narrow main artery with additional traffic, and removing the links with the past which bind buildings of all ages together into a congruous whole. This area is still a neighborhood worthy of protection, not only for itself, but for its neighbors to the south and west already zoned 40 feet.

"Our country has had almost twenty years of experimentation with high rise development as a cure-all for the urban core. Philadelphia is a good example of a city which destroyed the neighborhoods near its center and rebuilt. And what was the result? The Wall Street Journal for February 21, 1973, reports that the property tax base declined in one-third of that city's sixty-six wards last year. The authorities blame crime and fear of crime for driving property owners out of town.

"Every study of a major city indicates that crime increases geometrically as population increases arithmetically. And the fear of crime increases even more rapidly than crime itself. I am not afraid to walk in this neighborhood alone at night. I often do so, but I am afraid to walk down the streets on the other side of Van Ness where the area is nothing but a wall of high density apartment buildings, and police statistics will prove that the crime rate is higher in those areas than here. We are dealing with the concept of defensible space, a concept which is suddenly a hot issue in planning. Streets lined with private or

semi-private homes and low rise institutional buildings feel safe to their occupants. Streets which are walled with high buildings offer no such feelings.

"This area and the area south of Lafayette Park have evolved over the years, but almost always with proper scale in mind. Now that most of Pacific Heights cannot be filled with towers, the pressure is on these two remaining areas, for as Lee Adler, head of the Historic Charleston Foundation has noted in an article on the preservation of the amenities of Savannah, Georgia, 'High rises grow like bananas, once they get started'.

"We who live in these endangered areas know that time is on our side. The younger generation, far more than our own, prizes the quality which makes our area unique and will, we believe, treasure what remains of the Pacific Heights heritage and keep it alive. Some of our own younger people are discovering what shrewd businessmen in Savannah and elsewhere have found out in the last few years. There, historic restoration and preservation are the biggest businesses in town, followed closely by tourism, which is likewise our biggest money maker.

"The decision which you make concerning the areas about which we have talked with you will set the pattern for their growth for a century to come. With your help, these neighborhoods will continue to evolve in an orderly, humane, life supporting way. The buildings which you see are shelters for people, and it is they who ask you to support their private efforts to build a stable neighborhood in which to live, rear their children, and pass on their heritage to another generation."

Mrs. Benjamin Maeck, 2585 Pacific Avenue and a member of the Pacific Heights Association, read and submitted the following prepared statement:

"The URBAN DESIGN PLAN has four major sections: City Pattern, Conservation, Major New Development and Neighborhood Environment. It is significant that each of these sections starts with the heading HUMAN NEEDS.

"The URBAN DESIGN PLAN states: (P 24) 'Urban design planning is a response to human needs. (P 99) Because neighborhood quality is defined in the residents' own terms, the neighborhood environment will be better if residents participate in the planning of local improvements'. That is why we are here.

"LOW SCALE

"The scale of our buildings is low - an average of three (3) floors. We want to maintain this low neighborhood scale.

"90% PROPERTY OWNERS FOR 40-FEET

"There is no question we have overwhelming citizen support for a 40-foot height limit. 90% of property owners in Pacific Heights signed the petition for a 40-foot height limit. - 90% -

"VIEWS - PARK

"In accordance with the URBAN DESIGN PLAN (P 24) we want to preserve views in and out of Lafayette Park. We are not asking protection of the private views of private property owners by guaranteeing private air rights.

"We are asking for the guarantee of the public's right to enjoy the public park. The public has a right to use Lafayette Park and to demand they enjoy more than a wind tunnel surrounded by tall buildings.

"We have already commented (in our printed presentation distributed to each Commissioner) upon the independent study underway which indicates adverse effects on the Park now from the two (2) recent high rise buildings to the north and to the west. Must we repeat high rise errors around the Park. Pacific Heights has only two (2) - very crowded parks. This City can not afford to lose the use of one.

"NEW CONSTRUCTION

"You might think Pacific Heights is opposed to any new construction; that we want everything as it is. This is not so.

"We agree with the URBAN DESIGN PLAN (P 70) that there should be 'Moderation of major new development to complement the City pattern and the neighborhood environment'.

"As the URBAN DESIGN PLAN states: (P 45) 'As the city grows, the keeping of that which is old and irreplaceable may be as much a measure of human achievement as the building of the new'. The URBAN DESIGN PLAN (P 53) stresses the philosophy: 'Past development, represented both by distinctive buildings and by areas of established character must be preserved'.

"PROGRESS

"You might think Pacific Heights is opposed to 'Progress'. This word is gathering unpleasant overtones. Our definition of Progress -- real estate agents, architects, speculative builders, owners and labor working together in new, creative ways to preserve, rehabilitate, renovate, that which is (URBAN DESIGN PLAN) 'unique and outstanding and lends character to a neighborhood'--- This is in contrast with the insensitive, easy route of demolition for another faceless new structure.

"Or, as the kids say: 'Another yucky building, Mommy'.

"NEW LIFE

"Most of Pacific Heights became revitalized last June when the 40-foot height limit was set. Property owners knew where they stood. Scaffolding, painters, carpenters... renovation and remodeling everywhere. Drive our streets and see. The neighborhood is alive. It's great. And, all on private money.

"This means jobs for labor, this means life, this means security and this means people care.

"Where height limits are set at 80-feet, the only activity is from the speculators as they scurry about. Two fine buildings were demolished last week... four more are about to go. Shall we lose that which the URBAN DESIGN PLAN urges us to preserve?

"REQUEST FOR 40-FEET IN A VACUUM?

"You might think Pacific Heights is asking for a 40-foot height limit in a vacuum. Not so.

"The tide has turned all over the United States as neighborhoods and cities cry to save their life.

"We ask no more than every other 40-foot San Francisco residential neighborhood.

"We ask for 40-foot height limits in two areas of Pacific Heights to provide the logical transition in heights based upon the existing neighborhood.

"Why should these two residential areas be singled out as a loss to all the families who live there? They have rights to life and to the protection of their neighborhood.

"San Francisco can not afford to lose its families. San Francisco can not afford to become another faceless American city.

"Look at history, the pattern of eastern cities. Can't we learn from the neglect, fault and default of other cities before it is too late? It should not happen here, and you can not let it happen here. This is San Francisco!!!! It is unique!!!

"80 - FEET SPELLS LOSS

"If you allow the interim 80-foot height limit to remain there is no question that that limit will prevail and the neighborhood is lost.

"80-foot buildings destroy the neighborhood environment, families become demoralized, they give up the struggle and flee the city.

"If you allow the interim 80-foot height limit to remain, you state to us that you are prepared to lose the families and you state to us that you are prepared to replace that which your URBAN DESIGN PLAN insists cannot be repeated in new construction.

"THE NEXT GENERATION

"I drive four (4) carpools. Reeve Huston, a 12 year old boy watched a grand home in the process of demolition last week.

"He said: 'There will be nothing left for me'. Nothing left...?

"What will you tell your little boy? or your grandchild? What do you think is going through his head about his life in the future ...'Nothing left'...

"SUMMARY

"You, the Planning Commission, stand on the threshhold of life or death for the citizens of Pacific Heights. The URBAN DESIGN PLAN (P 103) demands:

'Measures must be taken to stabilize and improve the health and safety of the local environment, the psychological feeling of neighborhood, the opportunity for recreation and other fulfilling activities and the small-scale visual qualities that make the city a comfortable and often exciting place in which to live'.

"Stability
Psychological feeling of neighborhood
Recreation
Small scale
Comfortable

"That is what it says. That is what we want.

"We find nothing in the URBAN DESIGN PLAN to support an 80-foot height limit south of Lafayette Park or south of the Medical Center. On the contrary, we find solid support for 40-foot limits.

"For centuries, man contemplated life after death. Today, man is concerned with the struggle for life after birth.

"An 80-foot height limit will mean the little boy's fear comes true... 'Nothing left'.

"A 40-foot height limit ... a chance for human scale and life. GIVE US LIFE."

Commissioner Porter stated that she had lived in San Francisco for many years; and she indicated that she had never previously heard the area south of Lafayette Square and Sacramento Street referred to as a part of Pacific Heights.

Commissioner Farrell suggested that the Pacific Heights Association should make some effort to acquire older buildings in the area before they are demolished if such buildings are of great importanceto the area. Mrs.Maeck replied that the members of her organization were well aware of the economic pressures which are being brought to bear upon their neighborhood and she indicated that they hoped to develop an economic structure for acquiring, remodeling, and reselling older buildings of major importance to the neighborhood.

Commissioner Ritchie complimented the Pacific Heights Association for its factual and informative presentation.

Alison Massa, 1836 Pine Street, stated that her property is located between Gough and Octavia Streets; and she indicated that she disagrred with a previous speaker who had stated that the neighborhood is not suitable for single family dwellings. She stated that single dwellings in the area are in great demand; and people who have purchased and rehabilitated older single family dwellings in the area are pleased with their purchases and have found that they are able to walk to work in downtown San Francisco. With completion of the new high-rise building at 1350 Pine Street, and with the possibility that a new high-rise building will be constructed on the California Street frontage of her block, she believed that the block would have sufficient density; and, therefore, she supported the proposed change of height limits in the area to 40 feet.

Joe Troy, Jr., 1674 - 3rd Avenue, advised the Commission that towns in the Netherlands are being drastically changed because of the character of new developments; and he indicated that in Tokyo, Japan, pollution has become so serious that most dogs in that city have black lungs. He urged that height limits on Irving Street between 19th and 24th Avenues be lowered to the height of existing buildings or to a flat 40-foot limit.

John Hosack, attorney for National Inns, Ltd., owner of the property bounded by Van Ness Avenue, Market Street, and 12th Street, stated that development of the property owned by his clients would not force relocation of any small businesses or families. Construction on the site in conformance with the existing height limits would not interfere with any existing views; and, in fact, the Urban Design Plan has suggested that high construction should be encouraged on the property in order to help define the city. He stated that the building presently occupying the property is in a poor state of repair; and he felt that it would benefit the neighborhood if a modern building could be constructed on the site. He also mentioned that the property is located in close proximity to mass transit; and, as a result, he felt that it would be an appropriate site for high density development.

Jack Riordan, attorney for the Sugarman Corporation, owners of property on the north side of Geary Boulevard in Block 1061, stated that a plan without exercise is no plan at all; and he felt that the Commission should defer any height limit changes until the plan which was approved by the Commission and the Board of Supervisors last fall has been given a fair chance. If height limits were to be lowered in certain areas as presently proposed, the Commission would inevitably be requested to raise height limits elsewhere; and a "see-saw" effect would inevitably develop. He felt that the height and bulk plan now in effect should be amended only when experience indicates the need for change.

Robert Riegg read and submitted the following statement which had been prepared by Clifford F. Schwarberg, Jr., President of Pacific Medical Center:

"Pacific Medical Center, Inc. has received notice of the above hearing. Pacific Medical Center, Inc. owns in Block 637 Lots 14, 15, 16 and 18. Lot 17 is under option for future purchase by Pacific Medical Center, Inc. All of these lots are contiguous to Lot 11 on which is located the Congregation Sherith Israel Synagogue. A map is attached indicating orientation of the Center's property.

"On September 30, 1971, the City Planning Commission passed Resolution No. 6759 concerning the Master Plan for Pacific Medical Center. The Resolution provides that the height limit for Lots 14, 15 and 16 shall be the base of the dome of the adjacent Synagogue, this being approximately ninety-six feet ten inches high measured from the corner of Sacramento and Webster Streets. This is a height limit considerably lower than originally requested by the Center to carry out the functions contemplated for that property. Also, in the aforementioned Resolution, the Center was requested to keep its expansion program to the South and West. Consistent with that Resolution, Lot No. 18 was purchased for purposes of relocating the psychiatric services of the Center, and since Lot 17 was between other properties owned by the Center, an option to purchase that property was obtained.

"In order to effectively carry on the programs of Pacific Medical Center, the Center respectfully petitions that the height limit outlined in City Planning Commission Resolution No. 6759 be maintained for properties 14, 15 and 16, and be expanded to include properties 17 and 18 which are contiguous to the Synagogue, per the attached map. The effect is outlined in Sheet 2, which indicates that the height to be permitted on Lot 18 would be 65.47 feet at the easterly edge of the property."

Commissioner Porter asked if the request made by Mr. Schwarberg in his letter was in accordance with the action previously taken by the City Planning Commission. The Director replied that the Pacific Medical Center seemed to be requesting increased height limits for certain properties.

Mr. Riegg stated that all new construction being contemplated would be less than the 80-foot height limit presently in effect.

Commissioner Ritchie asked if the Pacific Medical Center intends to demolish the Lane Library. Mr. Riegg replied that plans for the site of the library are not definite; however, the medical center hoped to maintain and restore the library for the time being.

George Crowe, representing the architectural firm of Stone, Marraccini and Patterson, confirmed that there are no immediate plans to demolish the Lane Library; however, the Master Plan for the Pacific Medical Center will probably call for the removal of the facility in the long term. In response to the question raised by Commissioner Porter, Mr. Crowe replied that the "long term" program of the Medical Center would probably cover a period of 15 to 20 years.

William McMannus, 1443 - 12th Avenue, read and submitted the following prepared statement on behalf of the Sunset Parkside Education and Action Committee (SPEAK):

"SPEAK would simply like to reiterate its opposition to the height and bulk limits proposed in Urban Design Plan for the area along Irving Street from 19th to 24th Avenues. We support the desires of the Irving Street Merchants Association to maintain the existent 40' heights along their street.

"SPEAK found in its pro-and-con discussion during the height and bulk hearings last spring is no support for a 105 and 65 foot height limit in that area. Residents from neighborhoods such as the Inner Sunset, felt their views would be impaired. More importantly the residents and merchants in the immediate area oppose height limits of 105 and 65 feet. A 105 foot building will only heighten the current traffic problems in the area. 19th Avenue already carries a heavy load of traffic. Irving Street is the center of a shopping area that already is crowded with autos, nearly 10,000 per day. The Sunset-Parkside is an area consisting of mainly 40 foot buildings. We think a 105 foot building jutting high over our heads would be totally out of character. We fear, too, that any high-rise residential building with the view that it would have the Park would become a luxury apartment building, and one that would not serve the needs of our community -- the need for housing for middle-income families and for senior citizens.

"The Planning Department stated that their proposed limits would serve to mark a major commercial center and to accent a major entrance to Golden Gate Park. But we feel that a commercial area can be marked much more uniquely in many other ways that don't require a high-rise, such as with unique street lighting and street landscaping. The Planning Department has also said that growth and residential density may

not be closely related to height and bulk controls. But we feel that this is not conclusive enough to risk the future of our neighborhood. The burden of proof still rests with the Planning Department to show that such a height limit would be advantageous to our neighborhood.

"We therefore urge the Planning Commission to support the wishes of the Irving Street Merchants Association for a 40-foot height limit along Irving Street."

Howard L. Richardson, 785 Market Street, represented the Niantic Corporation, owner of property on the northwest corner of Geary and Arguello Boulevards. He stated that the staff of the Department of City Planning had originally recommended a height limit of 130 feet for his client's property in February, 1972. However, without any further notification to the property owners involved, the height limit recommended by the staff had later been reduced to 80 feet. Now, further reduction of the height limit to 40 feet was being proposed. He stated that Geary Blvd. is zoned for commercial use; and he felt that a 40-foot height limit would not be appropriate for a commercial district. Therefore, he urged that the 80-foot height limit be retained for the property owned by his clients.

John Bardis, 1353 - 4th Avenue, urged the Commission to study the Inner Sunset Action Committee's report on height limits originally proposed for their area by the staff of the Department of City Planning; and he noted that one of the recommendations of the committee was that height limits for property owned by the University of California Medical Center should be no greater than the height of existing structures on the campus. He remarked that the University of California has changed its plans and has proposed some buildings which would be lower than the height limits which had previously been approved by the Commission. He believed the only reason that the buildings had been proposed with lesser height than would be permitted was because the University had failed to obtain Federal financing for its development program. He believed that the property owned by the University of California along 3rd Avenue should be retained in residential use; and he felt that height limits for the campus should be reduced to the height of existing buildings.

Commissioner Ritchie emphasized that the Commission has no jurisdiction over the University of California; and he indicated that achievement would only come through a mutual willingness to cooperate.

Mr. Bardis felt that the City Planning Commission had co-operated too much with the University of California. If the Commission has no jurisdiction over the campus, he could see no reason for it to compromise its standards for development of the property.

Commissioner Porter, also, emphasized that the University of California Medical Center has been co-operating with the Department of City Planning and with residents of the neighborhood in spite of the fact that the City has no jurisdiction over the campus. She asked Mr. Bardis if he had seen the recent editorial

in the Chronicle which had pointed out the futility of the Board of Supervisor's resolution opposing the new dental school. Mr. Bardis replied that the Board of Supervisors had had a significant impact on the design of Doyle Drive in spite of the fact that the City has no jurisdiction over that project; and he felt that the Board might also have a significant effect on the character of the University of California Medical Center. In the meantime he urged the Commission to follow the requests of the residents of the neighborhood and other neighborhood organizations to establish height limits for the medical school campus which would not exceed the height of existing buildings.

Annette Murphy, 1344 - 5th Avenue, read and submitted the following prepared statement:

"Since Oct. of 1963 our neighbors and families have been living with the U.C.'s unstable expansion plans, U.C.'s threats of eminent domain, U.C.'s demolition of our homes and more over powering construction for added U.C. facilities.

"U. C. bought the block in question today, #1849, bound by 4th Ave., 5th Ave., Parnassus and Kirkham Streets. U.C. bought it to construct a Langly Porter Neuropschiatric Institute in 1964. They have sat on this land now for 9 years, and allowed it to become the worst blighted area in our neighborhood. So much so, that the Caldwell house, 1446 - 5th Ave. (once owned and paid for in full and rebuilt by Mr. Caldwell, and then bought by U.C. under duress in 1964 for the Langly Porter Building) had to be torn down, 8 years later, because U.C. had allowed it to become a rat infested health menace and consequently could not rent it.

"U.C. prepared an Environmental Impact Statement as part of an application for federal funds to construct a Steam Power Plant and a Dental School Building. On page 28 of that document, stated as a caption under a photograph, 'Existing Residential Neighborhood Conditions 1b. typical' That is all U.C. property and not the neighborhood conditions at all. This is U.C.'s block which we request today to be designated 40-X. This was very misleading and untrue for U.C. to represent this photograph as 'Typical of Neighborhood conditions.'

"The federal government, H.E.W. a prospective granting agency turned down the funds requested for the proposed Dental School Building and Steam Power Plant projects.

"Now our elected representatives, 'The Board of Supervisors', on Tuesday Feb. 20, voted 10 to 1 to adopt a resolution opposing the construction on the Dental School Building and Steam Power Plant on this site.

"The Inner Sunset Action Committee (I.S.A.C.) published a voluminous statement last spring to you, honorable commissioners, recommending a zone of 40-X for this area.

"Now then, Honorable Commissioners, it seems to me that the people have made their feelings well understood. I want the status to remain as is. Low single family dwellings. We do not want this property to be built up by U.C. or any one else. We have enough high rise in our neighborhood for another Montgomery St. Right now, we certainly don't need any more. The density is already at a super saturated level for this area too.

"Lower the height limits to insure that the single family middle income housing stock will remain at this site. Homes and space for families to live in. In my neighborhood.

"Therefore I recommend:

"1. That the zone be 40-X for block 1349.

"2. That the height and bulk of the existing U.C. structures be reflected in the zoning as they stand today.

"3. That this commission encourage the property owner of block #1349 (U.C.) to maintain it's property at a much higher standard than it is currently using, (exterior painting, trees along the street and pest control to start with.)"

Mr. Bardis stated that the University of California owns 100 dwellings in his neighborhood, although these buildings are mostly not in residential use. Under existing height limits, encouragement existed for the University to tear down the housing and construct major new facilities. However, if that were to occur, the Commission would, in effect, be contributing to the middle class exodus because of its height limit policies.

Mrs. Murphy stated that she had recently attended a reunion of her high school class; and she indicated that only two members of her class still live in San Francisco.

Mike McCormac, President of the San Francisco Real Estate Board, stated that the Real Estate Board had accepted the Urban Design Plan in concept and had hoped to see it implemented. Yet, even though the height and bulk ordinance is less than 6 months old, efforts were already being made to tear it apart on a piecemeal basis. He observed that the City Planning Commission is established to represent City-wide interests and not the specialized interests of individual areas; and he pointed out that both of the anti-high rise proposals which were both recently on the ballot in San Francisco were defeated. He stated that most people do not feel that all residential areas in the City should be subject to a 40-foot height limit; and he did not believe that the few groups who were present today to speak for lower height limits could claim to represent all 700,000 residents of the City.

Thomas L. Scholten, 133 McCoppin Street, stated that he was ecologically oriented and had, in fact, contributed money to Alvin Duskin's anti-high-rise campaigns; yet, he had watched the continual erosion of his property rights by actions which had been taken by the City Planning Commission, including reduction of R-3 density standards, reduction of floor area ratio and coverage standards, and, more recently, reduction of height limits. He stated that upper Market Street is not really suitable for family residential use; and, as a result, he hoped that the Commission would not approve the proposal to reduce the height limit from 105 feet to 80 feet.

Stewart Bloom, 2185 Bay Street, represented the San Francisco Loyal Opposition and indicated that his group wished to endorse completely the requests which had been made by other neighborhood organizations for lower height limits; and he stated that he particularly wished to commend the Irving Street Merchants Association, which had taken the position that "40 feet is enough". With regard to the Robert Dollar property in the block bounded by California, Battery, Sansome, and Pine Streets, he noted that downtown San Francisco is plagued with noise, congestion, pollution, and the threat of a natural disaster. The Robert Dollar Corporation had taken the position that a 500-foot height limit for their property was unfair because other properties in the area had been given a 600-foot height limit. He pointed out, however, that property to the west of the Robert Dollar block is subject to a 450-foot height limit; and he suggested that the height limit of the Robert Dollar property should be reduced to 450 feet so that its owners would feel that they were receiving equal treatment. If the Commission were to reduce the height limit of the property from 600-I to 500-I as proposed, the Commission would be eliminating 100 feet of office space which would be crowded with office workers, 75% of whom would be commuters. Mr. Bloom advised the Commission that approximately 300 people were present at a meeting of the Board of Supervisors in another room in City Hall to oppose construction of a freeway into San Francisco for Marin County commuters; and he noted that many San Franciscans had endorsed Proposition 20 on the November ballot, thus indicating their support of the proposal to limit growth. He stated that his organization would continually endorse proposals for lower height limits throughout the City.

Commissioner Porter asked Mr. Bloom if he had any idea what portion of the City is already under a 40-foot height limit. After Mr. Bloom had replied that he would estimate that approximately 95% of the City is subject to a 40-foot height limit, Commissioner Porter asked if he felt that 100% of the City should be subject to such a height limit. Mr. Bloom replied that his organization had recommended a 40-foot height limit for the entire City with the exception of the central business district.

Commissioner Ritchie asked if he were correct in understanding that Mr. Bloom was opposed to having commuters in the downtown district. Mr. Bloom replied that he would prefer that they would not enter the City.

President Newman asked Mr. Bloom if he likes San Francisco as it is now. Mr. Bloom replied that he does not like the City as much now as he did five years ago.

Lex Bayers, representing the San Francisco Chamber of Commerce, remarked that the effort being made by some citizens to save San Francisco may eventually kill the City. He stated that San Francisco is one of the few viable cities in the country because of the efforts which it has made to measure growth and to provide jobs. Yet, businesses cannot be encouraged in this City unless some tangible and firm plan is available to show to prospective developers; and, if the City continues to change its mind on development matters every six months, he felt that it would eventually kill itself.

David Wynne, attorney for the Robert Dollar Company, indicated that his clients were opposed to the proposal to reduce the height limit of their property from 600-I to 500-I. In response to the arguments which had been presented by Mr. Bloom, he confirmed that property to the west of the Robert Dollar site is subject to a 450-foot height limit; however, the new Bank of America building, which is located only one block away in that area, has a height of more than 700 feet. While Mr. Wynne acknowledged that density does create problems, he felt that greater density is encouraged more by floor area ratio standards than by height in downtown San Francisco. He noted that the original Urban Design Plan had proposed no height limits whatsoever for downtown San Francisco and had assumed that floor area ratio controls would be adequate to govern new development; yet, in spite of the fact that specific height limits had eventually been established, the floor area ratio controls are still in effect. He stated that both the Chamber of Commerce and the Building Owners and Managers Association had agreed that the property owned by his clients should be subject to a 600-foot height limit rather than the 500-foot height limit now being recommended. Mr. Wynne emphasized that the City Planning Code clearly specifies that proposed zoning amendments should be justified on the basis of public necessity. Only one speaker had risen in support of the proposal to reduce the height limit on the Robert Dollar from 600 feet to 500 feet; and the argument made by that person had centered on the issue of density. Mr. Wynne felt that he had adequately rebutted that argument; and he urged that the existing height limit not be changed.

Michael Murphy, 1344 - 5th Avenue, stated that the dental center and steam power plant which had been proposed by the University of California Medical Center would have been located in his neighborhood; and he felt that he could not remain silent in the face of a project which would affect both his neighborhood and the City as a whole with such a great magnitude. While some of the residential buildings owned by the University of California in Block 1849 have been "butchered" into more than one dwelling unit, most remain as single family dwellings; and he felt that the block should be zoned exclusively for single-family residential use. The existing height of buildings in that block is 40 feet or less; and he saw no reason to encourage greater building height in that area, particularly since the University of California has not even had sufficient money to make a study of what it intends to do within the 200-foot height envelope granted to it by the City Planning Commission along Parnassus Avenue. Mr. Murphy also indicated his support of the 40-foot height limit which had been requested for Irving Street between 19th and 24th Avenues. He emphasized that the lower height limit had been supported by the Irving Street Merchants Association; and he noted that only one building presently exists in the area which has a height greater than 50 feet.

Bert Schwarzschild, President of the Eureka Valley Promotion Association, read and submitted the following prepared statement:

"The time for 'sweet talk' is over. We have literally inundated this Commission with testimony overwhelmingly in support of a building height limit along Upper Market Street which would preserve the Street's present sunny, open, low profile, and overwhelmingly residential character. Our organization, the Eureka Valley Promotion Association, joined by the Friends of the Noe Valley and the Buena Vista Neighborhood Association initially urged this Commission to adopt a 40 foot height limit from Castro to Central Freeway. More recently, in the spirit of compromise, we modified our position in support of our present 160-105-80-65-50-50 feet height limit range between Van Ness and Castro Street. This proposal which we previously proposed to this Commission and the Board of Supervisors is endorsed by the Coalition for San Francisco Neighborhoods, which is also represented here today. It also has the unanimous support of the Castro Village Association, the Eureka Valley Business Association of 30 business establishments on Castro and Market Streets, as well as many other businesses in that neighborhood whose petitions were submitted to you previously.

"These many pleas and petitions were submitted to you by the most eminent and qualified experts available; namely, the people who live in the affected neighborhood, but have seemed to fall on deaf ears. WHY? What is the Planning Commission and department staff trying to accomplish for our supposed benefit, by tripling, and quatrupling a height profile which is presently averaging under 30 feet along Upper Market Street? In the past your Planning Director spoke vaguely about the unpredictable nature of 'stagnation' and 'deterioration', and suggested that the new height limits he proposed and now in effect, would reverse the direction of such 'stagnation' along Upper Market and Castro Streets. We have news for Mr. Jacobs. Residents love living along Upper Market Street and in the Upper Market area. The homes and apartments along Upper Market Street and in the adjacent neighborhood are in great demand and short supply. New neighborhood businesses of all kinds have opened in droves over the last 2-3 years, and are doing better than ever.

"Why then are you tampering so drastically with the environmental pattern of a healthy residential area, which has evolved to its present healthy state over the decades? To improve the neighborhood's living amenities? We believe your height limits will do the contrary, namely, your drastic escalation of height above the present height profile will have a shocking environmental impact on our neighborhood, possibly eroding or destroying its amenities.

"I would now like to illustrate with visual aids what is at stake.

""Fig 1 shows the three different height limit proposals. Your new limits would permit a height profile tapering from 320 feet at the south side of Van Ness, to 65 feet at Castro. We are convinced that this profile is too harsh. Our initial height limit proposal was a profile ranging from 80 feet at Van Ness to 40 feet at Castro. We still think this is ideal, as it would best protect the present neighborhood pattern, and still permit a doubling to tripling of the present building height profile. Since the Planning Dept. and Commission was persistently unsympathetic, we re-studied our plan, and re-submitted a compromise proposal for a 160-105-80-65-50 foot profile. This is the proposal which we presented to the Board's Planning Committee and which Supervisor Boas presented to the full Board. I would like to remind the Commission that we conferred extensively with several Supervisors about our proposal during the Board meeting which passed the city-wide height limits. We found them sympathetic to our proposal. Since we did not want to jeopardize your proposed City-wide height and bulk limits, we acquiesced with Supr. Boas's decision to avoid this risk. We hope you will now provide us with the justice which we deferred on your behalf, and the City's behalf!

"Fig. 2 shows the building profile we constructed according to a house-to-house survey from Castro St. to Central Freeway. The present average height of the buildings along this segment turned out to be approximately 2 stories high (1.96 stories). There were a total of 514 units covering 104 lots, of which 387 (or 75%) were residential units, and only 127 units or 25% were business units. We further calculated that your new height limit along this street segment would increase the average height from 2 stories to 6½ stories, in effect tripling the present height profile. Do you honestly believe that those 387 families living along this section of Market Street will be able to survive the speculation in building and land values which will take place when it becomes apparent that properties may be developed to 2 times, 3 times, 4 or 5 times their present height, along a street segment which is now undergoing a vast transportation, beautification, and construction phase?

"Finally, lets leave all the statistics and see photographically what kind of a transformation your new height limit would impose on our sunny and open Upper Market Street. The first photo shows the Street as it is new. Use your imagination for a moment and envisage a street which has been landscaped and re-designed to complement the present residential pattern and needs. The street is adorned with the small tree-lined park strips, protected bicycle lanes, and landscaped traffic islands, which are already in the planning stage. Keep in mind that the Board of Supervisors on June 30, 1972 responded unanimously to the plea of our neighborhood to retain the street's residential character, when it voted unanimously to have the City incorporate the above features. Also note the diverse and low building

profile and large segment of sky in the photograph. Now, look at the same street with your building height profile superimposed on the next photo. Note the overpowering effect of the buildings, you vote to modify the present height profile. We think your present height limit will clobber, possibly out of existence, one of the most desirable, livable, middle class neighborhoods in the City. These middle class residents have no protection from the commercial development which this Commission would encourage and invite if the new height limits along Upper Market are not modified and the height profile softened. It is obvious to us that if that is not done resulting commercial development, a-la-Lower-Market, will be followed by an inevitable exodus of sound middle-class residents, as traffic, parking, safety, and crime problems multiply, and living amenities are destroyed. One more sound neighborhood will become sick, and eventually San Francisco will join New York, Philadelphia, Chicago, as a City of the very poor and the very rich, made up mostly of commuters and business interests, but few if any middle class residents.

"In the past we have suggested, recommended, pleaded, and urged the Commission with little avail, to heed the message of the residents who live in the area, and with whose future you are toying. We now demand that you act to protect the greatest resource that exists along Upper Market Street and the adjacent area: ITS RESIDENTS."

Commissioner Ritchie remarked that the new height limits being requested for Upper Market Street were not significantly different from those which are presently in effect. He stated that the Commission had worked for more than one year to create the most widespread height and bulk plan in the nation; and, in view of what had been accomplished, he did not understand Mr. Schwarzschilds criticism of the Commission and his "nit-picking" for a few more feet. The situation was particularly difficult to understand insofar as no height limits had existed on Upper Market Street prior to adoption of the height and bulk ordinance.

Mr. Schwarzschild stated that Upper Market Street had not previously been subject to economic pressures; however, with the advent of BART, the Municipal Railway undergrounding project and the Upper Market Street Beautification project, economic pressures for new development are beginning to arise. When a conflict develops between residential and business sentiments in a neighborhood, he felt that the Commission should vote in favor of the position taken by the residents; otherwise, the residents will eventually leave the City. In conclusion, Mr. Schwarzschild stated that he was disturbed by the fact that an evening meeting had not been scheduled for consideration of the proposed height reductions.

Dorice Murphy, a member of the Eureka Valley Promotion Association, supported the arguments which had been presented by Mr. Schwarzschild.

Jim Hillegass, representing the Mission Coalition Organization, indicated that he was appearing in support of other neighborhood organizations which were seeking reduction of existing height limits in their areas. Frankly, he doubted that the Commission would act favorably on any of the requested changes; however, he would be surprised and pleased if the Commission were to approve the requests for lower heights.

Mrs. Arthur Bloomfield, 2229 Webster Street and a member of both the Pacific Heights Neighborhood Council and the Pacific Heights Association, read and submitted the following prepared statement:

"My bedroom windows can be seen into from the upper floors of the Medical Center's Research Buildings.

"I am here to ask you to put a 40-foot height limit on the two half-blocks south of the Medical Center, just as the land north, east and west of PMC already has a 40-foot height limit.

"These two half-blocks contain 14 parcels of land: 8 are two-story buildings, 3 are small apartments, one's a small convalescent home. Of the 14 parcels, 9 are residential, 2 seem to be small offices, one's a grocery on non-conforming use permit which expires in 1980. These halves of these blocks are quite similar to the other halves, or to the next-door blocks to the east, south or west. They should all have the same height limits, 40 feet.

"There is the problem of Pacific Medical Center. I'm not asking you to change the 80 feet (including elevator penthouses etc.) promised to PMC in their Master Plan approval of September 30, 1971. However, I understand they have requested you to exempt from any height lowering the convalescent hospital, which they bought in December, and the land between it and their corner.

"I feel that request is not relevant at this time.

"For one thing, PMC does not even own the land between but merely has an option on it.

"For another, PMC comes before you on March first, on exactly the matter of those two parcels and and their relation to the PMC Master Plan. It seems to me that approval today of special heights for these two parcels would amount to approval-in-advance of your hearing next week. If you change the Master Plan then, it will be easy enough to amend today's recommendation next week, IF needed.

"Further, PMC appears not to be showing good faith with the Master Plan limitations you set. They agreed to a specific traffic control plan on Buchanan, but the concrete forms now in place for the sidewalk contradict that traffic control plan. Should they be rewarded by your endorsement in advance of the hearing?

"In sum, I urge you to recommend to the Supervisors a 40-foot height limit on the two half-blocks south of the Medical Center, excepting only land now in the PMC Master Plan. Then that area will have a chance to continue consistent with most of its neighbors in height, density, and especially in residential use.

"I personally support the other requests for lowered height limits."

Mrs. Fifer, 1701 - 22nd Avenue, stated that traffic congestion is already a serious problem on Irving Street; and she did not feel that construction of larger buildings, which would in turn encourage additional automobile traffic, would be a good idea. She continued her statement as follows:

"Citizens who opposed the heights in the areas under discussion today were assured at the time the urban design plan was adopted that they would be able to restate their opposition to the compromise heights accepted at that time. Therefore those who have spoken in favor of 'giving the urban design plan a chance' forget that once you have one building built to the existing height limit, it will not be removed no matter how obvious it then becomes that it is too high. And you can't reduce the height potential of the property adjoining it in the same zoned area, when that owner claims he will lose say $50,000 or more by being unable to get for his property what his neighbor did. To prevent this kind of unequal treatment let's listen to the people who live in the area, not those who will come in make their money and get out. Very few if any residents of the affected area have wanted this attempt to complete the 'manhattanization' of San Francisco. I strongly support the rights and wishes of the residents in the residential areas adjoining businesses to maintain the low density that exists, and attracted them to the area in the first place. In closing as a resident of the Sunset I am especially in favor of the 40 feet height limit for Irving St."

Elisa Lukes stated that she had grown up in Pacific Heights and happily remembered the beautiful views which used to be available; and she stated that she pitied her younger brothers and sisters who would never have such memories because high-rise buildings now block the views which once existed.

Mrs. Mary Patterson, owner of property on Geary Boulevard near Arguello, stated that she employs approximately 35 people. While aesthetic beauty is wonderful, San Francisco will become a dead city if it does not keep going forward because people will not be able to afford to live here. Therefore, she urged that the height limit along Geary Boulevard in the vicinity of Arguello Boulevard be retained at 80-A rather than being reduced to 40-X.

Terry Covert, 1357 Clay Street, stated that he was present to support all of the requests for reduction of height limits which were presently before the Commission for consideration. He stated that he lives on Nob Hill; and he felt that his neighborhood provides a good example of what happens when height limits are too high: they encourage neighborhood opposition and irresponsible development. He informed the Commission that additional lots in the vicinity of the Comstock Apartments will be developed with high-rise apartments because the height limits are available and because economic pressures are there.

Lloyd Pfluger, representing the Downtown Association, stated that his organization had addressed a letter to the Commission in support of retention of the 600-foot height limit for the property owned by the Robert Dollar Company. He doubted that anyone would be opposed to retention of that height limit for that specific piece of property unless they were generally opposed to all high-rise buildings.

Lydia M. McNair, 2236 Irving Street, felt that height limits along Irving Street should be retained as they presently exist and that any requests for changes should be considered individually as they arise. She did not feel that retention of the existing height limits would result in sudden constructin of a wall of high-rise buildings.

Noting that no additional members of the audience wished to be heard on the issues before the Commission for consideration, President Newman requested that the Director of Planning present his recommendation on each of the individual cases separately.

The Director recommended that application ZM73.1, calling for reduction of height limits on Irving Street between 19th and 24th Avenues, be disapproved for the following reasons:

1. The Commission, in its action in June 1972, eliminated all proposed height limits greater than 40 feet along Irving Street east of 19th Avenue, and reduced a portion of the area west of 19th Avenue from 160 to 105 feet, leaving an area higher than 40 feet occupying only four blocks along Irving;

2. These changes were made in response to sentiment expressed at the hearings concerning the possible overloading of streets and other services, changes in the scale and quality of the area, and effects upon Golden Gate Park and upon views;

3. This portion of Irving Street is the most intense activity area in this part of the Sunset, and is quite accessible; a small number of higher buildings, if they did in fact occur, could help to give greater form to the center and provide housing and other needed facilities;

4. Heights greater than 40 feet, with proper development, would not cause undue congestion or lead to a spread of high density to nearby properties, and would not affect the Park or views.

President Newman announced that Commissioner Rueda would abstain from voting on this matter because of a possible conflict of interest.

Commissioner Porter remarked that some people seemed to think that every single parcel of property in San Francisco will be developed to its ultimate capacity; and she indicated that she did not share that point of view. In any case, the Commission does have discretionary review authority; and if anyone felt that any building being proposed would be prejudicial to the interests of their neighborhood, it could be brought before the Commission for discretionary review. Under the circumstances, she moved that application ZM73.1 be disapproved. The motion was seconded by Commissioner Fleishhacker.

Commissioner Ritchie stated that he had always felt that a height limit of 105 feet for Irving Street was excessive; and, therefore, he intended to vote against the motion.

When the question was called, the Commission voted 5 - 1 to adopt Resolution No. 6973 and to disapprove application ZM73.1. Commissioners Farrell, Fleishhacker, Mellon, Newman, and Porter voted "Aye"; Commissioner Ritchie voted "No". Commissioner Rueda abstained from voting.

The Director then recommended that application ZM73.2, calling for reduction of height limits along Upper Market Street between Castro Street and Van Ness Avenue, be disapproved for the following reasons:

1. The Commission, in its action in June 1972, made a number of changes in height limits throughout this area, reducing Castro Street below Market to 40 feet, reducing a number of other properties not on Market to 40 feet, reducing the limit from 80 to 50 feet between Church and Castro, reducing the Market-Castro area from 80 to 65 feet, and making other reductions in all districts east of Church Street;

2. These changes were made in response to sentiment expressed at the hearings, which favored lower limits based upon such factors as traffic, scale, views, displacement of existing uses and appearances of new buildings;

3. The changes made were a well-reasoned response taking account of the sentiments expressed and an assessment of the possible future nature of this major boulevard and of the neighborhoods to either side of it;

4. The height limits now in effect are not detrimental, and in fact can encourage a better form for the street and the activities along it, displacing the automobile-oriented uses and making the commercial area more suitable to the surrounding community.

Commissioner Farrell stated that he was born in Eureka Valley. Some of the comments made during the hearing implied that business people tend to come into the area to make a profit and get out quickly. Yet, he had been familiar with Mr. Watson, representative of the Eureka Valley Merchants Association, for a number of years and had been aware of the merchant's vision to see new development take place in the neighborhood. Under the circumstances, he felt that he could not vote against the desire of the merchants at the present time.

Commissioner Fleishhacker stated that he intended to vote for retention of the existing height limits; however, he wished to comment upon some of the arguments which had been made in support of the requested changes. The arguments had suggested that the City would be threatened with disasters of various kinds if the changes were not made; however, in view of the fact that some of the changes would involve a differential of as little as 15 feet, he felt that it was practically ludicrous to regard the changes as matters of "life or death".

When the question was called, the Commission voted unanimously to adopt Resolution No. 6974 and to disapprove application ZM73.2.

The Director remarked that the Board of Supervisors had acted on Tuesday to request that further studies be made of the University of California Medical Center's proposal for construction of a dental school and a steam power plant; and, in view of the fact that the University of California had requested that the Commission's decision on application ZM73.3 be postponed so that it would have an opportunity to determine whether lower height limits would be acceptable, he recommended that the application be taken under advisement indefinitely. He indicated that the matter would be readvertized when it is to be re-scheduled for hearing before the Commission.

Subsequently, it was moved by Commissioner Ritchie, seconded by Commissioner Porter, and carried unanimously that application ZM73.3, calling for a change of height limits in the vicinity of Parnassus and 5th Avenues, be take under advisement indefinitely.

The Director recommended that application ZM73.4, calling for reduction of height limits on the south side of Sacramento Street between Fillmore and Buchanan Streets and in the blocks bounded by Sacramento, Gough, Bush and Laguna Streets, be disapproved for the following reasons:

1. The Commission, in its action in June 1973 following the regular hearings and a special additional hearing for Pacific Heights, made widespread reductions in much of the area bounded by Steiner, Union, Van Ness and Sutter, including many reductions to 40 feet of areas zoned R-4 and R-5, and reductions to intermediate heights in other areas;

2. These changes were made in response to sentiment expressed at the hearings regarding preservation of the existing character of this part of the city, and the changes satisfied all the concerns expressed by neighborhood groups in this area except with regard to the two 80-foot sections now under consideration;

3. In these two sections, in which no height limits existed prior to the citywide limits imposed last year, there are a number of buildings higher than 40 feet, with all but two of these within the 80-foot limit; a few additional apartment houses of five to eight stories could provide needed housing in a compatible manner; the streets here, especially California, have the capacity to meet any reasonable demands of traffic, and the areas are close to downtown so as to provide an easy commute by bus;

4. New construction that might be expected within an 80-foot limit would not blight Pacific Heights or even these small portions of it; though some existing buildings might be removed, the retention of such buildings is not entirely dependent upon height limits and the importance of new housing that might be provided must also be considered.

It was moved by Commissioner Mellon and seconded by Commissioner Porter that the application be disapproved.

Commissioner Ritchie stated that he was convinced that the Commission does have big ears and good thinking powers. While one of the people who had spoken in favor of the proposed height reduction had intimated that speculators are about here and there, he felt that it would be fair to assume that anyone who could afford to live in Pacific Heights has speculated or has had relatives who were speculators. Nevertheless, the Pacific Heights Association had come in with a carefully studied request for reduction of height limits in their neighborhood and had demonstrated that a high percentage of owners of the properties affected would be in favor of the height reduction. He noted that the neighborhood had already lost one building of architectural importance; and, under the circumstances, he felt that the Commission should strongly support the position which had been taken by the Pacific Heights Association.

Commissioner Rueda disagreed. He remarked that the Director of Planning and the Urban Design Plan had received many accolades; however, he felt that the Urban Design Plan must be used in toto and that it cannot be cited and separated on a piece-meal basis.

Commissioner Porter agreed with Commissioner Rueda. She noted that the height and bulk ordinance, which is experimental and one of the first ordinances of its sort in the country, is only six months old; and she felt that greater experience with the ordinance should be obtained to determine whether it is valid or not before significant changes are made in the Commission's thinking. She believed that approval of the changes being proposed at the present time would indicate that the Commission had no faith in the overall ordinance.

Commissioner Fleishhacker stated that he would be sympathetic to a 40-foot height limit on the south side of Lafayette Park; however, he felt that even that height limit would permit construction of buildings which would have a detrimental effect on the area, especially insofar as the 40-foot high apartment buildings which had been constructed in Pacific Heights recently are among the worst looking apartment buildings in the City. He felt that the primary objective of the Pacific Heights Association was to preserve the present character and quality of the neighborhood; and he believed that the proper way to achieve that objective would be through a change of zone rather than through reduction of height limits. In any case, while he could accept the fact that Sacramento Street lies adjacent to the Pacific Heights, he felt that reference to areas further south as an extension of Pacific Heights was "stretching it a little bit." He stated that he intended to vote for disapproval of the changes being proposed.

Commissioner Mellon, noting that he had made the motion for disapproval of the proposal for reduction of the height limits, stated that he had done so because the height limits established by the Urban Design Plan give the City diversity; and, in addition, they provide for more middle-income housing. He noted that many members of the audience had regarded the exodus of middle-income families from the City as a disaster; and he felt that people who have already got theirs should not take a position which would keep other people from getting theirs.

President Newman stated that he was extremely familiar with the Pacific Heights area. While the Pacific Heights Association had made a good presentation, he felt that they had over-extended the boundaries of the neighborhood to a degree; and he suggested that it would have been more logical to draw the limits at Sacramento Street or, perhaps, at California Street. In any event, the impact of the Pacific Medical Center on the neighborhood had been greater than he had ever expected; and, as a result, he stated that he would vote in favor of reducing the height limits in the area.

When the question was called, the Commission voted 5-2 to adopt Resolution No. 6975 and to disapprove application ZM73.4. Commissioners Farrell, Fleishhacker, Mellon, Porter and Rueda voted "Aye"; Commissioners Newman and Ritchie voted "No".

The Director then recommended disapproval of application ZM73.5, calling for reduction of height limits on the Robert Dollar property and on portions of two adjacent blocks for the following reasons:

1. The Commission voted, prior to its action on the citywide height and bulk controls in June 1972, to change the height limit on the subject property from 500 feet as proposed to 600 feet;

2. This vote was taken in order to equalize the height permitted on this property with the heights permitted to the south and east;

3. The change made responded to a strong case made by the Robert Dollar Company, owner of nearly an entire block in the area in question, that it should be permitted the same height as other nearby properties and that views from a potential building would be impaired by the lower limit;

4. No new circumstances apply and no new arguments have been made that could alter the position of the Commission taken at the conclusion of the earlier hearings.

After discussion it was moved by Commissioner Porter, seconded by Commissioner Mellon, and carried unanimously that Resolution No. 6976 be adopted and that application ZM73.5 be disapproved.

Subsequently, the Director recommended that application ZM73.6, calling for reduction of height limits in the vicinity of Geary and Arguello Boulevards, be disapproved for the following reasons:

1. The Commission, in its action in June 1972, reduced the height limits proposed along Geary Boulevard from 80 to 40 feet near 25th Avenue, from 130 to 40 feet near 11th Avenue, and from 130 to 80 feet in the vicinity of Arguello;

2. Those changes were made in response to sentiment expressed at the hearings, which favored lower limits, and the changes retained a limit greater than 40 feet only at Arguello Boulevard, the most important intersection and focal point along Geary;

3. This small commercial area, due to the importance of its location and the sporadic pattern of present land use, could benefit from moderate new development serving the Richmond;

4. The reduced limit of 80 feet will not lead to development that is detrimental or out of keeping with the scale and activities in the surrounding area, and on the contrary this limit can have positive effects.

After discussion it was moved by Commissioner Rueda, seconded by Commissioner Porter, and carried unanimously that Resolution No. 6977 be adopted and that application ZM73.6 be disapproved.

The Director noted that no one had been present to speak in support of the proposal for reduction of height limits on the north side of Fulton Street between 14th and 18th Avenues and between 24th and 27th Avenues. He recommended that the application be disapproved for the following reasons:

1. The Commission, in its action in June 1972, reduced the height limit in both these areas along Fulton from 80 feet as proposed to 65 feet, with a further reduction to 40 feet for properties off Fulton along 25th Avenue;

2. Those changes were made in response to sentiment expressed at the hearings, which favored lower limits based upon the possibility of intrusion of incompatible apartment buildings in the Richmond and close to Golden Gate Park;

3. If new development did occur at these locations under the reduced 65-foot limit, it would be of suitable scale, at appropriate places at major entrances to the Park, and on well-traveled streets;

4. Any such development would not be detrimental to these areas or to the Richmond in general.

After discussion it was moved by Commissioner Ritchie, seconded by Commissioner Porter, and carried unanimously that Resolution No. 6978 be adopted and that application ZM73.7 be disapproved.

The meeting was adjourned at 6:25 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

GBJ

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, March 1, 1973.

The City Planning Commission met pursuant to notice on Thursday, March 1, 1973, at 1:00 P.M. in the meeting room at 100 Larkin Street.

PRESENT: Walter S. Newman, President; Mrs. Charles B. Porter, Vice-President; John C. Farrell, Mortimer Fleishhacker, Thomas J. Mellon and his alternate Thomas G. Miller, and John Ritchie, members of the City Planning Commission.

ABSENT: Hector E. Rueda, member of the City Planning Commission.

The staff of the Department of City Planning was represented by Allan B. Jacobs, Director of Planning; R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator); Robert Passmore, Planner V (Zoning); Peter Svirsky, Planner V (Zoning);Daniel Sullivan, Planner IV (Zoning); Wilbert Hardee, Planner II; and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner; Ralph Craib represented the San Francisco Chronicle.

DISCUSSION OF CITY ATTORNEY'S DRAFT ORDINANCE ON ENVIRONMENTAL REVIEW.

Peter Svirsky, Planner V (Zoning), summarized a draft ordinance which had been prepared under the auspices of the City Attorney and the Chief Administrative Officer, with assistance from the Department of City Planning, to implement the State law on environmental impact review. He stated that a public hearing on the ordinance had been held last Tuesday by the Health and Environment Committee of the Board of Supervisors; and he indicated that a second hearing will be held by that Committee on March 20.

During the course of the Commission's discussion of this matter, Commissioner Ritchie suggested that the fee structure proposed in the draft ordinance should be increased. President Newman suggested that the possibility of charging hourly rates for environmental impact work should be investigated. Commissioner Fleishhacker, noting that the fact that the Commission has discretionary review authority would add to the volume of projects which would be subject to environmental impact review procedures, suggested that the staff of the Department of City Planning and the City Attorney should undertake a review of the scope of the Commission's discretionary authority. Commissioner Porter observed that the Commission should send a representative to the March 20 meeting of the Health and Environment Committee of the Board of Supervisors to request amendment in the draft ordinance if changes were desired.

After further discussion, the Commission requested that this matter be calendared for further consideration on March 8 or March 15.

At 2:00 P.M. President Newman announced that the meeting was recessed. Members of the Commission then proceeded to Room 282, City Hall, and reconvened at 2:10 P.M. for hearing of the remainder of the agenda.

2:10 P.M. ROOM 282, CITY HALL

CU73.1 591 ORIZABA AVENUE, WEST LINE, 102.9 FEET SOUTH OF GARFIELD STREET. REQUEST FOR AUTHORIZATION FOR A CHILD CARE HOME IN AN R-1 DISTRICT.

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property, which is an "L" shaped parcel composed of two rectangles, one with 50 feet of frontage on Orizaba Avenue and a depth of 100 feet and one in the mid-block with a width of 50 feet and a depth of 100 feet. The parcel has an area of 10,000 square feet. The applicant proposed to convert a 1-story house with a full garage to a day care center for children from one-half to four years old. The center would operate five days a week from 6:30 a.m. to 6:00 p.m. Approximately 7,822 square feet of outdoor play area would be available in the yard to the rear of the dwelling. No off-street parking had been proposed.

Commissioner Fleishhacker remarked that the application had not specified how many children would be accommodated in the proposed day-care center. Mr. Steele stated that the applicant had intended for the Commission to determine what number of children would be appropriate.

Al Hicks, the applicant, submitted a photograph of the building which occupies the subject property and emphasized that the building is surrounded by a considerable amount of open space. He stated that children already play on the vacant portion of the site; and he stated that no new structures were being proposed. He felt that the proposed child care center would provide a service for the neighborhood; and, since a child care center is already in operation only 3 or 4 doors away from the subject site, he did not feel that approval of the subject application would significantly change the character of the neighborhood.

Commissioner Ritchie recognized the need for child care facilities in the subject neighborhood; however, because of the extreme steepness of the hill in front of the property, he felt that traffic, particularly the possibility of runaway vehicles, could endanger the children. Mr. Hicks replied that the children would not have occasion to be in front of the building unless they were arriving or departing; and the driveway area, inside the gate, could be used by the parents so that the children would not have to get into or out of vehicles on the street.

Commissioner Farrell asked if the proposed facility would cater primarily to children from the subject neighborhood or if it would try to attract children from other parts of the City. Mr. Hicks replied that most of the children who would be accommodated in the facility would come from the subject neighborhood; however, he did not feel that the facility should be completely restricted in that regard.

President Newman asked the applicant to comment on the number of children which he felt could be handled in the proposed facility. Mr. Hicks replied that he felt that the number of children which would be permitted by the amount of usable outdoor play area might be excessive; and he did not believe that more than 45 children could be accommodated comfortable in the facility.

Burl Toler, 581 Orizaba Avenue, stated that he lives immediately adjacent to the subject property. He emphasized that the hill in front of the property is extremely steep; and he noted that a nursery school is already being operated only 3 doors away from his property. While he recognized the need for child care centers in the subject neighborhood, he felt that a concentration of such facilities in a particular neighborhood would have a detrimental effect on the R-1 character of the neighborhood. He stated that mothers sometimes get stuck on the steep hill in front of the property; and he believed that the traffic on such a steep street would constitute a safety hazard for the children who would be cared for in the proposed facility. He also advised the Commission that some of the residents of the neighborhood had not received a notice of the present hearing.

Commissioner Ritchie asked if the other child care center located on Orizaba Avenue had been approved by the City Planning Commission. Allan B. Jacobs, Director of Planning, replied in the negative.

Mrs. Walter Buckley, 901 Grafton Avenue, stated that she had not received a notice of the hearing. She, also, remarked on the steepness of the hill in front of the subject property; and she advised the Commission that there have been runaway automobiles in the area. She stated that she strongly objected to the subject application.

Mrs. Mamie Collins, 579 Orizaba Avenue, remarked on the extreme narrowness of Orizaba Avenue and advised the Commission that sidewalks exist on only one side of the street. She stated that the neighborhood already has an existing day care center which is located immediately adjacent to her property. The existing facility creates no noise; and she had no objection to it. However, she did not feel that another child care center is needed in the area; and she believed that a facility handling 40 or 45 children would generate too much additional traffic in the area. In response to a question raised by Commissioner Ritchie, Mrs. Collins stated that the existing day care facility has an enrollment of only 10 or 12 children.

The Director recommended that the application be disapproved. He remarked that Orizaba Avenue is a dead-end street and that it is extremely steep; and he felt that the traffic which would be generated by the proposed facility would be a major problem. He remarked that the applicant had not established any need for the facility at the subject location. Residents of the neighborhood had objected to the proposed use; and they had referred to the safety issue. Under the circumstances, he reluctantly recommended that the application be disapproved.

Commissioner Fleishhacker asked if the existing day care center in the neighborhood is illegal The Director replied that the facility may be illegal.

After further discussion it was moved by Commissioner Porter and seconded by Commissioner Mellon that the application be disapproved.

Commissioner Porter stated that she had moved that the application be disapproved because the subject property is located on a steep, dead-end street, a situation which might result in a severe safety hazard for the children who would be enrolled in the school. After Commissioner Fleishhacker had remarked that residents of the neighborhood had endorsed the existing day care center in spite of the fact that the same safety factors exist, Commissioner Porter remarked that the existing facility handles only 10 children whereas the proposed facility would handle in excess of 40 children.

Commissioner Ritchie emphasized that 7800 square feet of usable outdoor play area would be available on the subject site; and, as a result, he felt that the property would be suitable for the proposed use. He stated that he would vote against the motion.

When the question was called, the Commission voted 4 - 2 to adopt Resolution No. 6979 and to disapprove the subject application. Commissioners Farrell, Mellon, Newman, and Porter voted "Aye"; Commissioners Fleishhacker and Ritchie voted"No".

CU73.2 SOUTHEAST CORNER OF MEADE AVENUE AND THIRD STREET
REQUEST FOR AUTHORIZATION FOR A MORTUARY ESTABLISHMENT IN A C-2 DISTRICT.

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator) referred to land use and zoning maps to describe the subject property which is a rectangular corner parcel with 100 feet of frontage on Third Street and 102 feet of frontage on Meade Avenue for an area of approximately 10,000 square feet. The property, which is zoned C-2, is presently vacant. The applicant proposed to construct a new mortuary building to serve as a relocation site for the Bayview Mortuary which is presently located at 5187 Third Street. The proposed two-story building would contain a display room and a parking garage for 8 automobiles on the ground floor and a 40 foot by 56 foot chapel, a parlor, a display room, a preparation room, and offices on the upper floor. The entrance to the building would be at the corner of Third Street and Meade Avenue; and the entrance to the garage would be located 40 feet north of Meade Avenue on Third Street. As the garage had been designed, all automobiles would exit by backing onto Third Street.

James Rabb, the applicant, stated that streets in the vicinity of the subject site will be improved; and he stated that a stop sign will be installed at the intersection. He pointed out that other property in the vicinity is currently being used for a motel.

Commissioner Ritchie remarked that members of the Commission had taken a field trip to the subject site; and it had seemed to him almost as if the property fronts on a freeway or on a freeway off-ramp. He felt that it would be an extremely dangerous location for the proposed project; and he wondered if the applicant shared his concern.

Mr. Rabb replied that he did not consider the property to be in a dangerous location. In any case, he stated that the portion of Third Street adjacent to the subject property carries very little traffic except during early morning and late afternoon rush hours.

Commissioner Farrell questioned whether eight off-street parking spaces would be sufficient to accommodate the traffic which would be generated by the proposed facility.

No one else was present in the audience to speak in favor of the application.

Mrs. Clemons, 3538 Jennings Street, stated that her reverse plan house is located just above the subject site; and she remarked that she could think of nothing more depressing than having a view of a mortuary. In fact, having to look at a motel is bad enough.

Allan B. Jacobs, Director of Planning, asked if any representatives of the Bayview-Hunters Point Model Neighborhood Agency were present in the audience. On receiving a negative response, he advised the Commission that the staff of the Department of City Planning had asked for that agency's comments on the subject application on a number of occasions but had received no reply. He stated that the proposed use would generate a substantial amount of traffic and activity; and, because the subject site is in such close proximity to the ramp system of the adjacent freeway, he felt that an extremely hazardous situation would result. Furthermore, access to the subject site would be difficult and could result in substantial traffic generation on adjacent residential streets. For these reasons, he recommended that the application be disapproved.

Mr. Rabb stated that he would appeal the Commission's decision if it were to vote for disapproval of the application.

After further discussion it was moved by Commissioner Fleishhacker, and seconded by Commissioner Porter that the application be disapproved.

Commissioner Fleishhacker noted that the case report which had been distributed to members of the Commission stated that the City Planning Code requires that five off-street parking spaces be provided for a mortuary. However, given the amount of traffic which such uses may generate, he questioned whether the Code's requirement is adequate. The Director conceded that it was likely that the Code requirement should be updated and related to the size of the facility being proposed; however, he indicated that lack of sufficient parking space was not a major reason for his recommendation of disapproval of the application.

When the question was called, the Commission voted unanimously to adopt Resolution No. 6980 and to disapprove the subject application.

CU73.4 21-25 RAYMOND STREET, SOUTH LINE, 111 FEET NORTHWEST OF BAYSHORE BOULEVARD.
REQUEST FOR A PARKING LOT AND ACCESS DRIVEWAY FOR AN ADJACENT BANK BRANCH OFFICE; IN AN R-1 DISTRICT.

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which is a rectangular parcel with 50 feet of frontage on Raymond Avenue and a depth of 100 feet for a total area of 5,000 square feet. The property is presently vacant. The Visitation Valley Branch of the Bank of America, located at the northwest corner of Bayshore Boulevard and Leland Avenue, is entering a modernization and an expansion project; and, as a part of that project, the bank has proposed to use the subject residentially zoned property for an access driveway and for parking stalls for approximately 9 automobiles.

Robert Sands, representing Continental Service Company, the applicant, stated that plans for the proposed project had been reviewed on several occasions with the staff of the Department of City Planning; and, as a result, modifications had been made in the plans. He stated that a five foot high fence would be constructed around the property; and 15-gallon trees and additional landscaping would be installed to soften the effect of the proposed facility.

Commissioner Ritchie remarked that a five foot high fence would not effectively screen the parking lot from residential buildings on the north side of Raymond Avenue. Mr. Sands replied that the five foot high fence would screen the parking lot as viewed from ground level from across the street; and he hoped that the trees which would be planted would screen the parking lot as viewed from upper floors of the residential buildings.

Commissioner Newman asked about the scope of the modernization project being undertaken by the Bank of America. Mr. Sands replied that the entire building would be renewed and expanded; and, in addition, drive-up teller services and a total of 40 off street parking spaces would be made available.

Commissioner Mellon asked if the parking lot would be available to people patronizing other merchants in the area. Mr. Sands replied that such decisions would be made by the manager of the bank.

Ed Wafford, representing the Visitation Valley Improvement Club, stated that the members of his organization were 100% in favor of the proposed project.

Marcel Marisant, Vice-President of the Visitation Valley Improvement Association, stated that the Bank of America is the only bank in Visitation Valley; and he remarked that difficult traffic and parking situations have developed because no off-street parking spaces have been available to serve the facility.

The Secretary called attention to a statement which had been submitted by the All Peoples Coalition in support of the subject application.

Commissioner Mellon asked if the Commission could establish a condition requiring that the parking lot be available to the general public for off-street parking during hours when the bank is not in operation. Mr. Sands felt that questions of legal liability might prevent opening of the lot to the general public.

Jim Guller, also representing Continental Service Company, remarked that the City would lose revenue from metered parking spaces in the vicinity if the proposed facility were to be made available to the general public. The bank would give first priority to its own customers; and, in any case, he did not feel that the Commission should establish a condition which would specify how the lot should be operated.

Allan B. Jacobs, Director of Planning, remarked that availability of additional parking spaces during evening hours and Saturdays can be very important, particularly when such facilities are located close to public meeting halls or other attractions. He recommended that the application be approved subject to five specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission. After summarizing the conditions, he suggested that the Commission might also wish to include one additional condition requiring that the parking facility be made available to the general public when the bank is closed. With regard to the issue of the height of the fence, he noted that the fence would be 161 feet long; and he felt that a height of eight feet, in addition, would be overwhelming. A five foot high fence with adequate landscaping would be sufficient.

President Newman asked the Director for his opinion on the proposal to require that the off-street parking spaces be made available to the general public when the bank is not in operation. The Director replied that he felt that such a condition would be desirable if there were support in the neighborhood for such an arrangement; however, it seemed that representatives of the neighborhood were not particularly enthusiastic about the proposal.

Commissioner Porter stated that she was sympathic with the suggestion which had been made by Commissioner Mellon; however, she was aware that parking lots can be dangerous in the evening if no attendant is on duty. She asked if the Commission could establish a condition requiring that an attendant be on duty on evenings and weekends. The Director replied in the negative.

President Newman felt that the bank would have to incur substantial liability if it were to open the parking lot to the general public instead of restricting it for customer use. Furthermore, if the Commission were to establish a condition requiring that the parking lot be made available to the general public on evenings and Saturdays, a similar condition would have to be applied to all other similar parking lots in the future.

The Director remarked that establishment of a similar requirement for other parking facilities in the future, in many cases, would be appropriate.

Commissioner Mellon, noting that representatives of the neighborhood had not expressed any enthusiasm about his proposal, stated that he did not intend to request that such a condition be included in the Commission's resolution; however, he felt that the Bank of America should be requested to look into the matter further. He remarked that he had received a number of complaints from the area because of the lack of adequate off-street parking spaces; and he felt that the bank could provide a public service by making the parking spaces available to the general public when the bank is closed.

After further discussion it was moved by Commissioner Mellon, seconded by Commissioner Porter, and carried unanimously that Resolution No. 6981 be adopted and that the application be approved subject to the conditions which had been recommended by the Director.

At this point in the proceedings, Commissioner Mellon absented himself from the meeting room. His alternate, Commissioner Miller, arrived and assumed the seat which had been vacated by Commissioner Mellon.

PUBLIC HEARING ON ENVIRONMENTAL IMPACT REPORT FOR 545-ROOM HOTEL PROPOSED FOR BLOCK BOUNDED BY NORTHPOINT, POWELL, BEACH AND MASON STREETS.

No one was present to speak on this matter. After discussion, it was moved by Commissioner Ritchie, seconded by Commissioner Fleishhacker, and carried unanimously that Resolution No. 6982 be adopted and that the environmental impact report presented by the staff of the Department of City Planning be accepted as an objective, thorough, and accurate analysis of the environmental impact of the project. The Commission also found that the project will have a significant effect on the environment. A standard tape cassette recording of the proceedings is available in the offices of the Department of City Planning for public listening or transcription.

CU73.3 300 NORTHPOINT STREET, BLOCK BOUNDED BY NORTHPOINT, POWELL, BEACH, AND MASON STREETS.
REQUEST FOR AUTHORIZATION FOR THE DEVELOPMENT OF A 40-FOOT APPROXIMATELY 545 UNIT, HOTEL WITH A RESTAURANT CONTAINING APPROXIMATELY 250 SEATS, A BANQUET FACILITY OF APPROXIMATELY 300 SEATS, AND SUB-GRADE PARKING FOR APPROXIMATELY 329 INDEPENDENTLY ACCESSIBLE PARKING SPACES OR 466 VALET PARKING SPACES, IN A C-2 DISTRICT.

Robert Passmore, Planner V (Zoning), referred to land use and zoning maps to describe the subject property which contains 6.8 acres and which is in a C-2 District, in the Northern Waterfront Special Use District No. 2, and in a 40X height and bulk district. The applicant proposed to construct a 40-foot high 4 floor hotel on the site. Mr. Passmore noted that the Commission had just accepted the environmental impact report which had been prepared for the project.

Maxwell Greenberg, attorney for the applicant, remarked that the subject property is presently used for storage of trucks owned by the Scavenger Protective Association Inc.; and he observed that the present use of the site is no environmental joy. Whereas some people tend to visualize hotels as high-rise structures, the architects for the applicant had designed a 40-foot high building with a wharf-side theme; and he believed that the style of the building, as well as the materials which would be used in the construction of the project, would improve the environmental situation in the area. He realized that the City Planning Commission was concerned about the number of hotel rooms being constructed in San Francisco; and his clients had paid a great deal of attention to the need for hotel rooms in the subject neighborhood. They had found that the occupancy levels of existing hotels in the area are quite high and had determined that the area is under-served in terms of hotel space. He felt that the proposed facility would fulfill a need in the neighborhood.

President Newman asked what would become of the scavenger trucks. Mr. Passmore replied that the truck storage yard would be relocated to a South of Market site.

Michael Raven, representing Welton Becket & Associates, architects for the applicant, displayed and described three-dimensional sketches of the proposed development and indicated that he would be willing to respond to questions which might be raised by members of the Commission. He stated that his firm had tried to be responsive to suggestions made by the Staff of the Department of City Planning; and, at the same time, they had made an effort to make the building compatible with the atmostphere of Fisherman's Wharf.

Commissioner Porter inquired about the size of the rooms in the proposed facility. Mr. Raven replied that the rooms would have dimensions of 13 feet 6 inches by 28 feet.

Commissioner Fleishhacker asked if there is a "wharfsidé" style of architecture. Mr. Raven replied that the term was used to describe the general character of the design and probably related more directly to the materials which would be used then to the design itself.

Commissioner Fleishhacker asked if parking spaces in the hotel would be open to the general public when they are not needed by patrons of the hotel. Mr. Raven replied that the parking would be handled on a valet basis; and, as a result, he felt that arrangements could be made to make spaces available to the general public.

Commissioner Ritchie complimented the architects on the design of the proposed building and inquired about the roof design. Mr. Raven stated that the mansard effect had been chosen in response to a request by the staff of the Department of City Planning that something be done to end the building in a natural way at a height of 40 feet. In reply to a further question raised by Commissioner Ritchie, he stated that he did not know if the mansard roof would be covered in copper or in another material.

President Newman asked if the staff of the Department of City Planning considered the landscaping being proposed to be adequate. The Director replied that the landscaping would be adequate if the applicants met the conditions which he was prepared to recommend.

Commissioner Miller asked about the coverage of the proposed project. Mr. Raven replied that the proposed building would cover approximately 68% of the site.

No one was present to speak in opposition to the application.

The Director recommended that the application be approved subject to 10 specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission.

After summarizing the conditions, he recommended that the draft resolution be adopted.

President Newman asked if the conditions which had been recommended by the Director would be acceptable to the applicant. Mr. Greenburg replied that the conditions would be generally acceptable; however, he felt that the architect should be asked to comment, also. Mr. Raven stated that the conditions which had been recommended by the Director would be acceptable.

Commissioner Miller, noting that Condition No. 7 of the draft resolution would set specific guidelines to be used in reviewing signs proposed for the project, remarked that no process was proposed for review of the signs. Mr. Passmore replied that the signs would be reviewed as part of the review of final plans for the project.

Commissioner Ritchie indicated that he wished to compliment the architects for designing a first class hotel with style and quality. He remarked that the hotel will replace a long-term eyesore; and he felt that the proposed structure would greatly enhance the neighborhood and that it would effectively illustrate that good design can be achieved in a 40 foot height limit. He moved that the application be approved subject to the conditions which had been recommended by the Director.

Commissioner Porter seconded the motion.

Commissioner Fleishhacker remarked that the Northern Waterfront Plan had called for pedestrian-oriented development of the subject block of Powell Street. Yet, instead of requiring the proposed hotel to provide pedestrian-oriented activities along its Powell Street frontage, Condition No. 3 of the draft resolution would merely specify that ground level guests rooms should be designed and constructed in such a manner as to permit conversion to retail sales or other pedestrian-oriented commercial uses when market demand has developed for such occupancy.

The Director felt that the condition which he had recommended would satisfy the basic purposes of the Northern Waterfront plan; and he indicated that he was confident that retail uses would be developed along Powell Street when market demand is evident.

Commissioner Fleishhacker also remarked that the Northern Waterfront Plan had called for parking in the general vicinity of the subject property. If the subject application were to be approved, he wondered if the Northern Waterfront area would effectively lose a block of parking.

The Director recalled that it was the block immediately west of the subject property which had been recommended for parking in the Northern Waterfront Plan. In any case, the City Planning Commission can only recommend that such facilities be provided and cannot mandate private developers to install specific uses. Other properties in the area could be developed for parking in the future; and, if the number of parking spaces recommended in the Northern Waterfront Plan could not be achieved in the immediate vicinity of the subject site, he pointed out that more parking spaces had been provided around the Cannery than had been proposed in the plan.

Commissioner Fleishhacker suggested that the staff of the Department of City Planning should review the parking recommendations contained in the Northern Waterfront Plan in the light of present circumstances and report back to the Commission at a later date.

When the question was called, the Commission voted unanimously to adopt Resolution No. 6983 and to approve application CU73.3 subject to the conditions which had been recommended by the Director of Planning.

CU73.5 SAN FRANCISCO CONSERVATORY OF MUSIC, 1201 ORTEGA STREET, SOUTH SIDE, BETWEEN 19th AND 20th AVENUES. REQUEST FOR MODIFICATION OF CONDITIONS IN RESOLUTION NO. 6798 TO ALLOW SOLE ACCESS TO THE PROPOSED PARKING GARAGE FROM ORTEGA STREET RATHER THAN FROM 19TH AVENUE.

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which is an irregular parcel with 203 feet of frontage on 19th Avenue, 240 feet of frontage on Ortega Street, and 190 foot frontage on 20th Avenue for a total area of 47,160 square feet. He noted that the Commission had acted on January 6, 1972, to adopt Resolution No. 6798 to permit expansion of the San Francisco Conservatory of Music. However, that resolution had specified that access to the site should be from 19th Avenue. The application now under consideration requested amendment of the previous resolution to allow access from Ortega Street instead of 19th Avenue and to increase the number of parking spaces from 32 to 50.

Adolph S. Rosekrans, representing the applicant, remarked that Resolution No. 6798 had required that 50 off-street parking spaces be provided on the site whereas the Conservatory had previously proposed only 35 off-street parking spaces. In attempting to meet that requirement, the plans for the new construction had been revised; and he felt that the structure now being proposed would relate better to the adjacent neighborhood and would provide a more straightforward solution to the Conservatory's parking problems. In addition, the new structure would be lower in height and would have lesser bulk than the addition previously proposed. He advised the Commission that sufficient funding had been obtained for the project so that it could proceed once Commission approval has been obtained. He also indicated that the Conservatory would work further with residents of the neighborhood to devise a curb-side parking arrangement in the area which would be satisfactory to all concerned.

President Newman remarked that members of the Commission had taken a field trip to the site; and they had felt that designation of curb-side space in front of the Conservatory as a white loading zone would be appropriate.

Mr. Rosekrans, stated that a white zone might be disadvantageous to residents of the neighborhood if they would not be able to use it on Sundays. In reply to a question raised by Commissioner Fleishhacker, he stated that the driveway on Ortega Street would have a width of approximately 20 feet.

Commissioner Porter stated that a number of automobiles had been double-parked when the Commission had taken a field trip to the site; and, under the circumstances, she felt that it might be wise to establish 20 minute parking zones around the Conservatory.

Cecilia Smith, owner of an adjacent parcel of property, stated that Resolution No. 6798 had contained a condition requiring that a 5-foot wide strip of open space be reserved between the Conservatory building and her property; and she wondered if that requirement would continue to be in effect.

Allan B. Jacobs, Director of Planning, replied in the affirmative.

No one else was present to speak in favor of or in opposition to the application.

The Director recommended that the application be approved subject to three specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

President Newman asked if the conditions which had been recommended by the Director would be satisfactory to the applicant. Mr. Rosekrans replied in the affirmative.

After further discussion it was moved by Commissioner Porter, seconded by Commissioner Fleishhacker, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 6984 and that the application be approved subject to the conditions which had been recommended by the Director.

CU73.6 2323 AND 2327-29 SACRAMENTO STREET, SOUTH LINE, APPROXIMATELY 172 FEET EAST OF WEBSTER STREET. REQUEST FOR INCLUSION OF PROPERTY IN MASTER PLAN FOR PACIFIC MEDICAL CENTER AND TO PERMIT THE CONVERSION OF THE EXISTING CONVALESCENT HOSPITAL TO A PSYCHIATRIC CARE CENTER.

Robert Passmore, Planner V (Zoning), referred to land use and zoning maps to describe the subject property which consists of two lots on the south side of Sacramento Street. One of the lots, measuring 73 feet by 132 feet, is occupied by a (74 bed) convalescent hospital. The second lot, measuring 30 feet by 132 feet, is occupied by a 12-unit apartment building. Both lots are zoned R-4 and are included in an 80-A height and bulk district. The Pacific Medical Center had requested that the subject property be included within the boundaries of the Pacific Medical Center Master Plan which was authorized by the City Planning Commission as a planned unit development in September, 1971; and, in addition, the Pacific Medical Center was requesting permission to convert the convalescent hospital into a psychiatric center. The new psychiatric center would be a replacement and expansion of the medical center's psychiatric facilities which are presently located in the condemned medical center buildings at the northeast corner of Sacramento and Webster Streets. The proposal would provide 30 beds for in-patient care, an expansion from the 14 psychiatric beds presently in the medical center. However, the 30 psychiatric beds would be a reduction of the 74 beds presently housed in the convalescent hospital. The psychiatric beds would occupy the first floor of the building. The second floor would be converted to out-patient facilities to accommodate approximately 45 day-care psychiatric patients and approximately 10 routine out-care psychiatric patients. The total day-care and out-patient load would constitute an increase of approximately 10% over the existing care at the medical center; however, no expansion of staff was being contemplated. The medical center had not proposed any change in the apartment use of the 12-unit building at 2329 Sacramento Street.

Clifford Schwarberg, Jr., President of the Pacific Medical Center Inc., read and submitted the following prepared statement:

"The application before you, I believe, is self-explanatory and complete. It is submitted as required by your Resolution No. 6759, dated September 30, 1971. Particular reference in that Resolution is made to Sections 2 and 3. Those sections provide that 'any additional building area for Pacific Medical Center may be constructed only through the acquisition of additional land' and 'any expansion of the Pacific Medical Center site shall be generally to the west and southwest'.

"It should be noted that this Application is being submitted to add additional property. Pacific Medical Center has no immediate plans to build on the property. The only contemplated construction activity is certain internal remodeling, and preventive maintenance procedures required for the conversion of the former Pacific Heights Convalescent Hospital to an approved psychiatric facility.

"The Application does not include the reasons for Pacific Medical Center acquiring the listed property and the subsequent application for inclusion of the property into the Pacific Medical Center. The Application is for Lots No. 637-17 and 637-18. The inclusion of Lot No.637-17, which is an apartment house, is incidental in that the property is not presently owned by Pacific Medical Center, but rather the owners have given Pacific Medical Center an option to purchase that property at a future date, and have given permission to include the property in our application at this time. Pacific Medical Center has no pending plans for that property.

"The purchase of the former Pacific Heights Convalescent Hospital and the planned conversion to a psychiatric facility developed as a necessity in October 1972. At that time, Pacific Medical Center was advised by the Bureau of Hospitals of the State of California that the original plan, one discussed with this Commission, of relocating the psychiatric in-patient unit from the old red brick buildings to what is known as the Stanford Building would not be possible. The reason is that there has been passed a new statute known as State Senate Bill No. 519 which has changed the structural requirements for in-patient facilities. The passage of this statute is the result of the earthquake that occurred in the San Fernando Valley which demolished many hospitals in the area.

"It is not possible to make the required structural changes in the Stanford Building for in-patient uses to meet the requirements of this new statute. The building can be used for non in-patient functions. Therefore, it was necessary to relocate in-patient functions in an approved facility. The former Pacific Heights Convalescent Hospital meets the structural code requirements.

"Coincidentally to being advised of what seemingly was a set-back, it became known that the property in the application was available for purchase. Negotiations were begun and completed on December 15, 1972. In the interim, discussions were held with members of the Planning Department as to the reasonableness of making this conversion in light of your Commission's Resolution and zoning requirements. Although no commitment was given, it was termed reasonable that we could proceed providing a Conditional Use Permit was obtained, and that zoning of the property was satisfactory for the planned use of the facility.

"Application for moving the existing in-patient functions to the proposed facility has been made and approved by San Francisco Comprehensive Health Planning and Bay Area Comprehensive Health Planning. In addition, application to expand the unit from the present fourteen psychiatric beds to thirty psychiatric beds was also made and approved by these planning bodies. This expansion request was based upon need. The occupancy of the present unit has been one hundred per cent over the last year, and the pressures for increased use of in-patient psychiatric beds is being magnified by the continued closure of the State psychiatric facilities.

"In the original planned move of the in-patient psychiatric facilities, the existing outpatient and day treatment functions, presently housed in the older buildings in the Center, were to be moved to adjoining space in the Stanford Building. The plans provide that this original concept would continue in the new building which will become a comprehensive psychiatric center. This move is necessary to insure improved and coordinated treatment services, as well as economies of program staffing. It is emphasized that with the exception of the additional sixteen new in-patient psychiatric beds, the program in the new building is one of transferring from existing antiquated and less suitable facilities, rather than the start-up of new services. Also, because there have been recent questions concerning other mental health treatment facilities in the City of San Francisco, Pacific Medical Center does not offer methadone drug treatment clinics in connection with these psychiatric services.

"I respectfully petition favorable action on the part of the Commission on the Application for Conditional Use."

Commissioner Ritchie asked if the Pacific Medical Center has plans to tear down the Lane Library. Mr. Schwarberg replied that the Medical Center has no immediate plans for demolishing that structure; and, in fact, a new roof and furnace are being installed and the building is being rehabilitated.

Commissioner Ritchie stated that members of the Commission had received a letter from William Gilmartin, 2224 Clay Street, indicating that the Pacific Medical Center had taken no action to implement traffic changes at the intersection of Buchanan and Clay Streets as required in Resolution No. 6759; and he wondered if the Pacific Medical Center had, in fact, failed to comply with the Commission's requirements.

Commissioner Porter stated that she, also, had been disturbed by Mr. Gilmartin's letter and had discussed the matter with Mr. Steele. She regarded the street improvement project as a 3 way responsibility involving the neighborhood, the Pacific Medical Center, and the staff of the Department of City Planning. She has asked Mr. Steele why the staff of the Department of City Planning had not followed through with its share of the responsibility; and she had been advised that the matter was being held up by the Department of Public Works. In any case, she did not feel that compliance with the Commission's previous resolution was pertinent to the matter presently before the Commission.

Commissioner Fleishhacker agreed and suggested that discussion of the traffic situation at Clay and Buchanan Streets be deferred until action has been taken on the subject application.

No one else was present to speak in favor of the subject application.

Richard Garlinghouse, 2310 Buchanan Street, represented the Pacific Heights Neighborhood council. He stated that the members of his association could not separate noncompliance with the Commission's previous resolution from the current application for expansion of the area included in the Pacific Medical Center's Master Plan; and he urged the Commission to withhold judgment on the subject application until the Pacific Medical Center conforms to the conditions which were previously established by Resolution No. 6759. He stated that residents of the neighborhood felt that they could not evaluate or discuss the subject application until such time as the Pacific Medical Center has taken steps to improve traffic situations in the area.

Commissioner Fleishhacker asked if he was correct in understanding that the Pacific Heights Neighborhood Council was not prepared to take a position on the merits of the subject application at the present time. Mr. Garlinghouse replied in the affirmative.

Commissioner Porter acknowledged that traffic will be a major problem in the area after the new hospital is in operation; however, she remarked that she had walked through the area at least once a month recently and had observed that the neighborhood does not yet have a serious traffic or parking problem. In fact, she indicated that her residential neighborhood, which does not contain a large medical center, has less on-street parking available than the subject neighborhood.

Mr. Garlinghouse stated that the new hospital will open in less than one month; and he indicated that residents of the neighborhood were anxious for the traffic barriers to be installed at Buchanan and Clay Streets so that traffic and parking congestion can be minimized. He stated that the Pacific Medical Center had clearly ignored the requirements established by Resolution No. 6759; and he felt that the Commission should be concerned about the Medical Center's failure to comply with its requirements.

Craig Beckstead read and submitted a letter from the Board of Directors of the Pacific Heights Association which read as follows:

> "We agree with the Pacific Heights Neighborhood Council that PMC is in default on the current master plan and has not met its obligation to the neighborhood and the Planning Commission under Resolution 6857.
>
> "The application requests expansion of the PMC master plan area east of the Lane Library, including a property they do not own and a property they do for a conditional use permit for a new psychiatric center. We oppose the application as it violates the containment of the master plan approved by the Commission on September 30, 1971

under Resolution 6759 and it expands it into the neighborhood fringe haphazardly, including properties piecemeal for further and greater expansion. This was clearly not the intent of master plan approval.

"We continue to be worried over the general increase of traffic into the area such as would be created by a psychiatric out-patients clinic."

Speaking personally, Mr. Beckstead noted that Commissioner Porter, during the Commission's public hearing last week, had stated that no changes should be made in the City's height and bulk ordinance for at least 2 years in order to provide a fair time in which to evaluate the existing standards; and he felt that the Commission should adopt a similar attitude with respect to the Master Plan for the Pacific Medical Center, refusing to amend it until such time as the impact of the already approved Master Plan on the neighborhood can be determined and evaluated.

President Newman asked Mr. Beckstead if his prime objection to the Medical Center was related to the traffic which it generates. Mr. Beckstead replied in the affirmative.

Mrs. Euguene Cox represented Mrs. John Hamilton, 2315 Sacramento Street. She stated that Mrs. Hamilton's property is located immediately adjacent to the convalescent hospital; and she had written a letter to Commissioner Porter expressing her concern about the proposal to convert the convalescent hospital into a psychiatric facility for in-patients and out-patients.

Victor Reda, 2271 Clay Street, observed that relocation of the psychiatric facilities to the convalescent hospital building would ultimately raise the potential number of patients who could be cared for in the remainder of the Medical Center complex; and he felt that it would be premature for the Commission to approve expansion of the Master Plan when even the first phase of the approved Master Plan has not yet been completed. He believed that residents of the neighborhood should be allowed sufficient time to make an evaluation of the impact of the first phase of construction on pedestrian and vehicular traffic in the area before additional construction is authorized. Under the circumstances, he was opposed to approval of the subject application.

Another resident of Clay Street agreed with Mr. Reda that the master plan should not be expanded until the new hospital building has been completed.

Mr. Murphy, 2255 Washington Street, stated that he had lived in the subject neighborhood for 20 years. He advised the Commission that many residents of the area work; and, as a result, it had been difficult for them to keep current with the numerous meetings which had been held to consider various aspects of the Pacific Medical Center since 1960. He stated that occupancy rates in all private hospitals had dropped recently; yet, the Pacific Medical Center was requesting permission to expand its Master Plan even before its new hospital

building has been completed. He urged the Commission not to allow the Medical Center to encroach further into the subject neighborhood; and, at the same time, he asked that the Medical Center be required to fulfill the conditions which had previously been established by the Commission.

Mrs. Arthur Bloomfield, 2229 Webster Street, read and submitted the following statement:

"I support the Pacific Heights Neighborhood Council stand, and urge you not to approve these applications today.

"In fact, I want you to turn them down altogether, or at least to refuse the Master Plan revision.

"This is no Master Plan. There is no indication of the long-term use of these properties. PMC are not saying what they hope to do later, o only what they want now. It should not be dignified by being called part of a Master Plan.

"The current Master Plan, which you approved in 1971, allows an additional 40 feet of height on the hospital which you, President Newman, said publicly last week had a much worse impaction on the neighborhood than you'd realized it would. The Master Plan calls for <u>six more big buildings</u>: the two-phase office building, the 80-foot replacement for Lane Library, two tall towers on the north side of Sacramento, and two more tall towers on the south side of Clay. They have nearly 1½ million square feet to work with there.

"Now they come asking you to approve their grabbing still more land. I'm tempted to call it empire-building, not necessarily for money but for prestige.

"Last week you heard people from the Inner Sunset complain about a block of dwellings which U.C. bought some years ago and has held for undefined future expansion. You heard about the lack of maintenance, rats, general deterioration, and the like.

"This week you are being asked to encourage a different hospital to purchase a dwelling for some future, undefined expansion. (For encouragement is exactly what the proposed Master Plan extension would be.) Please don't approve it.

"Mr. Schwaberg said today that, though the Stanford building is condemned for in-patients, it is all right for out-patients. Therefore, the psychiatric out-patients could perfectly well be in Stanford, freeing the Cooper building for other planned demolition.

"And please make PMC live up to the neighborhood protection they promised."

A resident of 2524 Broadway stated that she had moved to San Francisco one year ago from New York; and she indicated that she was sorry to find that San Francisco is following the same trend as New York. She felt that the City should decide which direction it wishes to go; and she warned that worse could be expected unless the City is well planned.

Marie Cleasby, 2373 Washington Street, remarked that the original master plan for the Pacific Medical Center had been hurriedly approved because it had been the Medical Center's contention that immediate construction of the proposed office building was essential; yet, in spite of the fact that the Master Plan had been approved one and one half years ago, work has still not been initiated on the office-building.

Commissioner Porter stated that she was still concerned about the fact that the staff of the Department of City Planning had not followed through on its share of the responsibility for implementing the conditions which had previously been adopted by the Commission.

The Director stated that Resolution No. 6759 had specified that the hospital should proceed to correct traffic problems on adjacent streets. The staff of the Department of City Planning had met with representatives of the hospital and residents of the neighborhood to work out a series of traffic islands and barriers at the intersection of Clay and Buchanan Streets. Originally, the Fire Department had approved the barriers; however, it had later withdrawn its approval. The traffic islands, however, were acceptable to the Fire Department. A map of the traffic island proposals was left with the Department of Public Works; and, at that point, everyone involved thought that the next step would be taken by someone else. In any event, nothing further had happened. In order for the islands to be installed, the sidewalk on the west side of Buchanan Street would have to be narrowed; and that would require action by the Board of Supervisors. While he understood that the Pacific Medical Center had already poured sidewalks with the wider dimensions which are legally required at present, he believed that the Medical Center would be required to remove the new sidewalks if the street island concept were to be approved by the Board of Supervisors. In order to move matters ahead more quickly, he felt that the hospital should request the Board of Supervisors to approve the change in sidewalk width. Also, he felt that the hospital should pursue the matter of the traffic barriers further. In addition, it would be worthwhile for the hospital to investigate other means of diverting traffic from the adjacent residential districts. It would be helpful if the hospital would take traffic counts at the present time and after the new hospital building is in operation. He stated that he had understood that the hospital would place a person at the entrance of its new building to help to control traffic flow. The Director remarked that the resolution which had previously been adopted by the Commission had specified that further expansion of the Medical Center should be to the west or southwest; and he pointed out that the subject properties are, in fact, located due south of the existing complex. However, the locational concern was tempered somewhat by the fact that the existing convalescent hospital building is not likely to be converted for residential use.

President Newman asked if the impact of the Medical Center on the subject neighborhood would be altered significantly if the subject application were to be approved.

Mr. Passmore stated that the number of psychiatric beds in the Medical Center would be increased from 14 to 30: however, that increase would be more than balanced by the fact that the 74 convalescent beds would be eliminated. He also indicated that the Medical Center anticipates that its out-patient psychiatric care will be increased by approximately 4 patients per day.

Commissioner Porter recalled that Mrs. Hamilton, 2315 Sacramento Street, had been delighted when the convalescent hospital was built. She wondered, however, if the proposed psychiatric center would have a significantly different impact on the adjacent residential property than the convalescent care home.

Mr. Schwarberg stated that representatives of the Pacific Medical Center had met with Mrs. Hamilton to answer questions regarding the proposed facility. They had advised her that the length of stay would be shorter in the psychiatri hospital than in the convalescent hospital; and the number of overnight patient would be considerable less than in the convalescent hospital. Mrs. Hamilton ha also urged that a fence be constructed along the southerly property line of the subject property; and the medical center had assured her that it would cooperate with the adjacent synagogue to provide a new fence. In conclusion, he stated that subject property is located southwesterly from the entrance to the new hospital.

President Newman asked if he were correct in understanding that the proposed expansion had resulted because of the opportunity presented by the availability of the subject property. Mr. Schwarberg replied that the proposed expansion had resulted because of that opportunity and also because of an adversity, i.e. a new state statute had been passed changing structural requirements for in-patient facilities and ruling out the possibility of relocating the psychiatric in-patient unit to the Stanford Building. In response to a further question raised by President Newman, Mr. Schwarberg stated that the Medical Center would have to interrupt is psychiatric service if the subject application were to be disapproved.

Commissioner Fleishhacker stated that it was obvious that members of the audience do not like the Pacific Medical Center and resent the fact that the conditions previously established by the Commission had not been fulfilled; an in addition, it was apparent that they felt that the Medical Center is getting too big. He wondered if the Medical Center would be willing to give up or reduce the size of some other expansion project included in the already improved Master Plan if the subject application were to be approved by the Commission. Mr. Schwarberg replied that it would be difficult to alter the plans for the Medical Center complex.

President Newman, stating that he assumed that in-patient psychiatric care in the Medical Center would have to be discontinued if the subject application were to be disapproved, asked what effect disapproval of the application would have on out-patient psychiatric care. Mr. Schwarberg replied that the Medical Center would continue to provide out-patient care; however, conduct of such a partial program might not be economical over a long period of time. He emphasized that there is a need in San Francisco for additional facilities for psychiatric in-patient and out-patient care. He stated that psychiatric facilities of other hospitals in the City are full.

Commissioner Ritchie remarked that people often appear before the Commission claiming that they will have to go out of business unless approval is obtained for a particular use of a specific parcel of property. He pointed out that the Medical Center owns an extremely large parcel of property; and he felt that it would surely be possible for the Medical Center to provide space in its present holdings for the psychiatric center instead of requiring use of additional property on the south side of Sacramento Street.

Mr. Schwarberg stated that the Medical Center would have made such an adjustment if it had been possible; however, no alternative was available within the time limits which were being faced. He stated that the Medical Center had not been pleased about the alternative approach which it had been forced to take.

Commissioner Porter felt that the Commission was not really greatly concerned about the Medical Center's proposal to use a former convalescent hospital as a psychiatric center; rather, the basic concern of the Commission was with the objections which residents of the neighborhood had raised regarding the fact that the agreed upon traffic plan for the intersection of Buchanan and Clay Streets had not been carried out. She stated that no one present in the meeting room had opposed construction of the Pacific Heights Convalescent Hospital; and she emphasized that it is an existing medical facility. She asked Mrs. Bloomfield if she objected to the proposed use or was she really more concerned about traffic problems north of Sacramento Street.

Mrs. Bloomfield stated that the City Planning Commission has no jurisdiction over use of the subject building for in-patient psychiatric care. The only reason that the application had been filed was to obtain authorization for out-patient psychiatric care in the building; and she indicated that nothing would prevent the Medical Center from continuing to provide out-patient psychiatric care facilities in existing buildings on the north side of Sacramento Street. She felt that the subject application had been filed as a matter of convenience and not as a matter of necessity.

President Newman asked if the traffic guard to be installed at the door of the new hospital at Buchanan and Clay Streets would be in addition to the traffic guard at the former intersection of Clay and Webster Streets. Mr. Schwarberg replied that there would be two traffic guards initially; however, after an automatic gate system is installed on Webster Street, the traffic guard at that location would be

eliminated. He stated that the history of the center planting strip on Buchanan Street, as described by the Director, was substantially correct; however, he had prepared his own timetable of the events which he distributed to individual members of the Commission. He stated that it had been determined that approximately 14 weeks would be required to obtain approval of the center islands by the Board of Supervisors; and he stated that he would be willing to pursue that approval. However, he emphasized that the Pacific Medical Center has no control whatsoever over installation of the proposed traffic barriers. In conclusion, he stated that solutions to the traffic problem should encompass not just Buchanan Street but the entire area around the Medical Center.

The Director stated that the remarks to the effect that a convalescent hospital is an existing medical facility were well taken. However, he believed that the request for expansion of the Medical Center's master plan was related to traffic issues and to the fact that the traffic controls previously required by the Commission had not yet been implemented. Under the circumstances, he recommended that the matter be taken under advisement until the traffic controls can be pursued to the point of approval by the Board of Supervisors.

Commissioner Ritchie agreed with the Director. He remarked that the Medical Center places an enormous strain on the subject neighborhood. He had been opposed to the previous expansion of the Medical Center; and he indicated that his position had not changed. He felt that the Pacific Medical Center should have followed through on the Commission's requirement for installation of certain traffic controls at the intersection of Buchanan and Clay Streets; and he felt that action on the matter should be postponed until the terms of the Commission's prior resolution have been fulfilled. Therefore, he moved that the matter be taken under advisement.

Commissioner Porter seconded the motion. She stated that she did not agree that the Pacific Medical Center was solely to blame for the fact that the Commission's previous requirements had not been implemented; and she felt that City Hall, as uncoordinated as usual, could share a great deal of the blame. Furthermore, she was amazed that residents of the neighborhood had not called the matter to the attention of the Commission at an earlier date. Starting now, however, she hoped that everyone involved would move with all possible speed to achieve implementation of the traffic controls so that the Commission could proceed with its consideration of the Pacific Medical Center's plans for a badly needed health facility.

Commissioner Miller stated that he had already voted in favor of the proposed project as a member of the San Francisco Comprehensive Health Planning Council. It did seem to him from the testimony offered that City Hall was primarily responsible for the delay in achieving implementation of the traffic controls previously required by the City Planning Commission; however, he did not agree that such circumstances are usual. He stated that he intended to vote against the motion.

Commissioner Fleishhacker stated that he would vote in support of the motion; however, he wished to make it clear that he was in favor of eventual approval of the subject application. He stated that he would vote for approval of the application when it is returned to the Commission.

When the question was called, the Commission voted 5 - 1 to take the matter under advisement until its regular meeting on April 5, 1973. Commissioners Farrell, Fleishhacker, Newman, Porter, and Ritchie voted "Aye"; Commissioner Miller voted "No".

ZM73.10 2100-2116 AND 2101-2199 DIVISADERO STREET: ALL PROPERTIES ON THE WEST SIDE OF DIVISADERO STREET BETWEEN SACRAMENTO AND CLAY STREETS AND ALL PROPERTIES ON THE EAST SIDE OF DIVISADERO STREET BETWEEN SACRAMENTO AND CLAY STREETS EXCEPT FOR THE PROPERTY AT THE CORNER OF DIVISADERO AND CLAY STREETS. R-3 AND R-4 TO AN R-2 DISTRICT.

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which consists of a total of 12 lots. Of the 12 lots, 9 lots (75%) are presently developed within R-1 density standards. Two lots are developed within R-2 density standards; and one lot is developed within R-3 density standards. Therefore, 11 of the 12 lots would be in conformity with the Planning Code if the subject property were reclassified to R-2. In addition lot 18 in Assessors Block 1003 presently developed under R-3 standards would gain R-2 transitional status by the reclassification; and, therefore, multi-family dwellings with an R-3 density of one dwelling unit for each 800 feet of square feet of lot area would be permitted on that lot, so that all existing development would be permitted under the proposed R-2 zoning district reclassification.

President Newman asked if anyone were present in the audience in opposition to the application. No one responded.

The Secretary called attention to letters which had been received from owners of properties located at 2104 Divisadero at 2131 Divisadero in opposition to the application. He also noted that several letters and a petition signed by seven property owners in the area had been received in support of the application.

Mr. Steele displayed a map which had been prepared by the staff of the Department of City Planning to show the location of properties owned by individuals in opposition or in support of the application.

Commissioner Fleishhacker, noting that the new R2 district would be located adjacent to R-4 and R-3 districts, asked about the maximum density which would be permitted on the properties if the application were approved. Mr. Steele replied that the properties abutting residential districts would be limited to a R-2 density; however, two lots abutting a C-2 district would have transitional status and would be permitted a density equalivent to that of an R-3 district.

Malcolm Ross, the applicant, stated that he wished to preserve the family residential style of the neighborhood; and, secondarily, he hoped to maintain the architectural integrity of the subject block.

Julian Silva, 2106 Divisadero Street, stated that the buildings on both sides of the street, with the exception of the church on the corner, were constructed prior to the earthquake of 1906; and he felt that no single lot should be developed in a way which would change the character of the entire block. He stated that his property is presently zoned R-4 but is developed with only one residential unit; and he indicated that he supported the application for reclassification of the property.

Allan B. Jacobs, Director of Planning, remarked that existing residential development of the subject properties is predominately one and two family in character; and he noted that the R-2 zoning classification would more accurately reflect the character of development along the street than the existing R-3 and R-4 zoning classifications. He remarked that many residents of the area had expressed a desire to maintain the present character and scale of the neighborhood; and he pointed out that the Urban Design Plan calls for conservation of important design character in distinctive older areas and preservation of areas of historic, architectural, or aesthetic value. He recommended that the application be approved.

After further discussion it was moved by Commissioner Ritchie, seconded by Commissioner Porter and carried unanimously that Resolution No. 6985 be adopted and that the subject application be approved.

The meeting was adjourned at 5:20 P.M.

Respectfully submitted,

Lynn E. Pio
Secretary

a P g

SAN FRANCISCO
CITY PLANNING COMMISSION

The City Planning Commission met pursuant to notice, Thursday, March 8, 1973, at 2:00 P.M. in the meeting room at 100 Larkin Street.

PRESENT: Walter S. Newman, President; Mrs. Charles B. Porter, Vice-President; John C. Farrell, Mortimer Fleishhacker, Thomas J. Mellon and John Ritchie, members of the City Planning Commission.

ABSENT: Hector E. Rueda, member of the City Planning Commission.

The staff of the Department of City Planning was represented by Edward I. Murphy, Assistant Director of Planning; R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator); Robert Passmore, Planner V (Zoning); Peter Groat, Planner IV - Urban Systems Analyst; Edward Michael, Planner III; and Lynn E. Pio, Secretary.

Ralph Craib represented the San Francisco Chronicle; Bill Boldenweck represented the San Francisco Examiner.

APPROVAL OF MINUTES

It was moved by Commissioner Fleishhacker, seconded by Commissioner Farrell, and carried unanimously that the minutes of the meeting of February 1, 1973, be approved as submitted.

CURRENT MATTERS

President Newman announced that the Director of Planning had accepted an invitation to make a presentation of the San Francisco Urban Design Plan at an international planning conference in Mexico City.

Edward I. Murphy, Assistant Director of Planning, recommended adoption of a draft resolution which would authorize the Director of Planning to enter into and execute an agreement with Berkeley Planning Associates, Inc. to prepare a design of a study concerning the economic growth of San Francisco. After discussion it was moved by Commissioner Fleishhacker, seconded by Commissioner Mellon and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 6986.

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), reported that an appeal has been filed with the Board of Supervisors requesting reversal of the Commission's disapproval of a conditional use application for a car wash at 5th Avenue and Geary Boulevard.

Mr. Steele advised the Commission that the Board of Supervisors had tabled a draft amendment to the City Planning Code concerning family care homes in residential districts; and he indicated that he had been advised informally by the City Attorney's office that he should continue to disapprove applications which do not meet current Planning Code requirements until the matter is resolved.

Mr. Steele informed the Commission that the proposed code amendment concerning definition of a single family will be heard by the full Board of Supervisors next Monday, having been called out of Committee by Supervisor Kopp.

Mr. Steele advised the Commission that four major rezoning cases had been filed. Two of the applications involve reclassification of properties in the Richmond District between Arguello Boulevard and Funston Avenue to R-2. Another application involves reclassification of properties in Pacific Heights. The fourth application requests a change of height limit on Nob Hill from 240 feet to 40 feet. The first of the applications, involving reclassification of properties from the northside of California Street to the north side of Lake Street between Arguello Boulevard and Funston Avenue, will be heard on April 5.

President Newman stated that a letter had been received from Ronald Kahn, attorney for the owners of the Comstock Apartments, requesting the Commission to urge the Board of Permit Appeals to schedule a rehearing of the appeal relating to a building permit application for an apartment building to be constructed at 1330 Clay Street. The letter stated that the rehearing was being requested because the Comstock Apartment Corporation wished to present additional evidence to the Board of Permit Appeals.

Robert Passmore, Planner V (Zoning), stated that the Board of Permit Appeals had acted to overrule the City Planning Commission's disapproval of the building permit for the new apartment building; and, as a result, he felt that it would be more appropriate for the hearing to be requested by the Commission than by a private party. In any case, the Board of Permit Appeals could grant the rehearing if it so desired. He stated, however, that the Commission should submit additional evidence if it were to ask for a rehearing; and he indicated that he was not sure that any new evidence was available.

After discussion, it was moved by Commissioner Mellon, seconded by Commissione Farrell, and carried unanimously that no action be taken on Mr. Kahn's request unless additional information is submitted which would justify a rehearing. The Commission also asked Mr. Passmore to advise Mr. Kahn of its decision.

At this point in the proceedings, Commissioner Ritchie arrived in the meeting room and assumed his seat at the Commission table.

DISCRETIONARY REVIEW OF 41 UNIT APARTMENT HOUSE PROPOSED ON THE SOUTH SIDE OF 25TH STREET OPPOSITE THE INTERSECTION OF HOMESTEAD STREET.

Robert Passmore, Planner V (Zoning), reported on this matter as follows:

"Scheduled for review by the Commission under its discretionary powers is the building permit application of Hayman Homes for a 41 unit dwelling occupying a 33,034 square foot irregular shaped lot on the south side of 25th Street opposite the intersection of Homestead Street (Lots 9 and 8 in Assessor's Block 6544 and Lot 16 and 18 in Block 6543). This review has been requested in a letter-petition

to the Commission signed by 77 residents of properties on Homestead Street and 25th Street in the vicinity of the subject property. This letter-petition states concern over the density and bulk of the proposed dwelling, over potential traffic flow down Homestead Street an R-2 zoned area, and over potential increase in parking congestion.

"The vacant subject site slopes up steeply to the south, having a difference in elevation of approximately 36 feet between the 25th Street frontage and the rear property line which is 5 feet north of the Clipper Street right-of-way. The proposed two and three floor wood frame building steps up the slope within the 40 foot height limit. The 41 dwelling units consist of 33 one bedroom units and 8 two bedroom units. The building occupies the entire 136 foot wide 25th Street lot frontage, and extends to a depth of 163 feet. The minimum required off-street parking is provided by two garages fronting on 25th Street accommodating 22 cars that back onto 25th Street, and two garages in the center of the parcel containing space for 19 cars and having access via a driveway off of 25th Street along the western property line. The proposed building covers 45.4 percent of the subject parcel. Usable open space is provided by roof decks and the rear yard which includes a piece of land that extends west to Hoffman Street parallel to Clipper Street.

"Based on data submitted with the subject permit application, the proposed dwelling, which has a density of one unit for each 805.7 square feet of lot area, meets the minimum standards applicable in an R-3 district, except for rear yard. A rear yard depth of 15 feet is provided in the presently submitted plans, but a depth of 25 feet is required by the Planning Code. The reason for this smaller rear yard is because the developer believed that the subject parcel was a double frontage lot where the Code would permit the inclusion of 10 feet of the Clipper Street right-of-way to meet the total rear yard depth requirement of 25 feet. However, the parcel does not have double frontage status as it is separated from Clipper Street by a 5 foot deep strip of land owned by the City, but not part of the official right-of-way for Clipper Street.

"The exterior of the proposed building would be a combination of stucco and wood. Bay windows along the 25th Street frontage exceed the dimensions currently proposed by the Department as an amendment to the City Planning Code. Approximately half of the 25th Street facade of the building has a height of 27 feet and the remainder has a height of 40 feet. The southern portion of the building would be approximately 17 feet higher than grade of Clipper Street directly south of the building. As Clipper Street slopes up to the west, public views from Clipper street would be relatively unimpaired by the proposal.

"There is an unresolved question whether a 50 foot by 25 foot portion of the site indicated on the submitted plans is legally a portion of the subject site under the Planning Code.

"The attached vicinity map indicates the zoning pattern in the area. With the exception of two apartment houses facing the north side of Clipper Street between Homestead Street, extended, and Douglas Street containing a total of 36 dwelling units and having vehicular access from Douglas Street, a four-unit dwelling at the northeast corner of 25th and Douglas Streets, a three-unit dwelling on the west side of Hoffman Avenue south of 25th Street, an eight-unit dwelling at the southwest corner of Hoffman and 25th Street, and a six-unit dwelling at the northwest corner of Fountain and 25th Streets, the area north of Clipper Street between Fountain and Douglas Streets is developed with one-and-two family houses - with a predominance of one-family houses.

"The subject parcel is a merger of land left over from the widening of Clipper Street and the vacation of Homestead Street between 25th and Clipper Streets, purchased from the City, and two private lots on either side of former Homestead Street. This parcel of land, which was accumulated by a former owner, originally included the lots now occupied by the two apartment buildings previously described that occupy the north side of Clipper west of Douglas Street. When the City sold the land left over from the Clipper Street widening the five foot strip of land described previously was retained by the City to prevent vehicular access to Clipper Street; however the right of pedestrian access over this strip of land was granted to the property that was sold. This five foot strip of City-owned land extends from Douglas Street to Hoffman Street extended. The vacation and sale of the southern portions of Fountain, Hoffman and Homestead Street between 25th and Clipper Streets were also for the purpose of preventing vehicular access to Clipper Street.

"On October 8, 1964 the City Planning Commission reported to the Board of Supervisors that the vacation of the northern portion of Homestead Street was in conformity with the Master Plan provided 'that it is first possible to resolve certain problems and achieve certain safeguards by variance proceedings under the City Planning Code. The variance is required for Lot 14, Block 6543, also known as Parcels 2 and 3 of Block 6543 on the City and County of San Francisco's Real Estate Department sale map dated January, 1964, to permit the use of required R-3 rear yard areas for driveway purposes. If granted, such a variance should incorporate conditions (a) that an alternate means of vehicular access to Lot 14 be provided from Hoffman Avenue and (b) that the major portion of Homestead Street as shown on SUR-264 be perpetually maintained as open space, accessible to and usable by

the residents of any buildings on Lots 2, 2A, 8, 9, 15, 16, 17, and 18 of Block 6544 and Lots 1 and 14 of Block 6543.' The variance discussed in that report to the Board of Supervisors dealt with a proposal to build apartment buildings on either side of the Homestead Street area and along the extension of the subject parcel to Hoffman Street. In approving the vacation and sale of the street the Board of Supervisors did not include the Commission's recommended conditions, and subsequently the proposal for the apartment buildings and variance were withdrawn when in 1966 the Board of Supervisors overruled the Planning Commission's disapproval of a conditional use hospital containing between 166 and 192 beds for the subject parcel. In December 1969 the Planning Commission voided the authorization for the convalescent hospital because construction had not commenced within the time limits indicated for conditional uses in the Planning Code. Thereafter the subject parcel was sold.

"In October 1966 the Planning Commission disapproved an application by residents of the subject area to rezone a 5.5 acre area, shown as a cross-hatched area on the attached vicinity map, from R-3 to R-2 because insufficient evidence was presented to show a need for the reclassification. Concerning this application, the Commission's staff recommended reclassification of the properties fronting on 25th Street between Hoffman Avenue and Douglas Street to R-2.

"The letter-petition submitted to the Commission requesting the discretionary review of the subject proposed 41 unit dwelling suggest developing vehicular access to the property from Hoffman Avenue. Hoffman Avenue south of 25th Street is unimproved although two dwellings do front on the street. Vehicular access to the subject parcel is feasible although it would require grading and filling on the western portion of the subject parcel.

"The Department of Public Works continues to believe that vehicular access to Clipper Street between Grandview Avenue and Douglas Streets would cause undesirable traffic conflicts on this major traffic street."

Commissioner Porter felt that it might be futile for the Commission to proceed with the discretionary review if the plans which had been submitted did not meet the rear yard requirements of the City Planning Code. Mr. Passmore pointed out that residents of the neighborhood would probably not be pleased with the proposed project even if the applicant were able to fulfill all of the technical requirements of the City Planning Code.

Commissioner Ritchie stated that it was his understanding that the plans which had been submitted were in complete conformance with the City Planning Code with the exception of the rear yard requirements, and the possible exclusion of lot area resulting in the possible loss of two dwelling units. Mr. Passmore confirmed that Commissioner Ritchie was correct.

Jane R. Brady, 85 Homestead Street, stated that even if the required rear yard were provided, it would be 10 or 11 feet below Clipper Street and would not amount to anything more than a hole in the ground; and she felt that provision of a rear yard under such circumstances would accomplish very little. Residents of the subject neighborhood were primarily concerned about the density of the proposed building and with the traffic and parking problems which it would cause. She remarked that the plans which had been prepared for the applicant would take advantage of the maximum density permissible; and she emphasized that reduction of density is within the discretion of the Commission. She stated that apartment buildings have been constructed on other parts of Clipper Street; however, those buildings have usable rear yard areas and abut the rear yard areas of private homes, thus giving the appearance of a reasonable amount of open space. Furthermore, those buildings have been relatively small in scale. The proposed apartment building, on the other hand, would be extremely large and would dwarf everything in the R-2 neighborhood to the north. She distributed a photograph of the existing neighborhood and emphasized that it is characterized by low scale development.

Miss Brady remarked that the Department of Public Works had taken the position that automobile access onto Clipper Street would not be advisable; but she indicate that she disagreed with that position. She felt that Clipper Street is sufficientl wide to provide a lane for access to garages without affecting the normal flow of traffic.

Miss Brady stated that the solution which she would propose to the problem would include reduction of the number of units in the proposed building from 41 to approximately 1/2 as many, provision of a greater amount of open space and landscaping, and distribution of the traffic from the proposed building onto Clipper, Hoffman, and 25th Streets, in addition to Homestead Street. She stated that the plans, as submitted, made no provision for planting of a single blade of grass on the site; and, while a small swimming pool was being proposed, it would be on the east side of the building and would receive no afternoon sun. Automobiles leaving the garages of the proposed building would have to back out into 25th Street; and she expected that most of the automobiles heading for downtown destinations would travel northward on Homestead Street to 24th Street before turning east. She stated that Homestead Street has a width of only 30 feet. Many of the homes on the street have no garages; and, for those which do, access and egress is difficult. The proposed apartment building would provide only one parking space for each dwelling unit and would not make any provision for guest parking; and it would more than double the volume of traffic using Homestead Street.

Commissioner Farrell asked Miss Brady why she assumed that most of the traffic from the new building would use Homestead and 24th Streets rather than 25th Street. Miss Brady replied that eastbound traffic on 24th Streets moves much better than eastbound traffic on 25th Street.

Commissioner Porter remarked that the density of the proposed building seemed to be the major problem; however, even if the number of units being proposed were to be reduced by 50%, the building would still pose problems for the neighborhood. Miss Brady agreed. However, she felt that the problems of the building would be alleviated if the density were decreased.

Commissioner Ritchie asked what steps could be taken to direct traffic onto Hoffman Avenue. Miss Brady explained that a strip of the subject property extends along Clipper Street to Hoffman Avenue; and she indicated that access to the street could be obtained along that route. In response to further questions raised by Commissioner Ritchie, she acknowledged that the residents of Hoffman Avenue would probably object to having the traffic on their street increased. However, she felt it would be only fair that traffic which would be generated by the new building should be shared by both Homestead Street and Hoffman Avenue.

Commissioner Ritchie then asked how traffic could be directed from the proposed development onto Clipper Street. Miss Brady replied that it would be feasible to have garage access to Clipper Street even though the Department of Public Works has been opposed to allowing such access in the past. The objection of the Department of Public Works was based on the fact that Clipper Street was originally intended to as a high speed access road to a freeway which was never constructed. At the present time, the only high speed traffic on the street, if any, is traveling in an eastbound direction, since west bound traffic has to stop at a stop sign on Douglass Street; and, as a result, provision of automobile access onto Clipper Street from the proposed building should not have any major effect on westbound Clipper Street traffic. In conclusion she urged the Commission to disapprove the building permit application or to require that the plans be modified as she had recommended.

Ronald Lundeborg, 4/34 25th Street, stated that he was tempted to attack the aesthetic value of the proposed development and its lack of open space; however, he felt that the major problem was one of density, which would add to traffic and parking problems in the area.

Ben Cohen, 461 Hoffman Avenue, remarked that Hoffman Avenue is a very steep street. He also emphasized that the neighborhood north of Clipper Street is developed at an extremely low density. Residents of the neighborhood have been trying to upgrade the area and have planted 400 trees in the last year. The building presently being proposed would be large and would have an extremely high density; and no landscaping was shown on the plans. He felt that it would be incompatible with the neighborhood. He remarked that the subject property had been before the Commission for consideration in 1966 and again in 1969; and he stated that the concerns which had been expressed by the Commission, as stated in the resolutions which had previously been adopted, were still valid. If anything, the intervening years had

strengthened the necessity of protecting residential neighborhoods such as the one adjacent to the subject site. He remarked that the developer of the subject property also is involved in the development of a large tract of land south of Clipper Street; however, that property is zoned R-4. He felt that Clipper Street represented a logical dividing point between the R-4 properties to the south and the R-2 neighborhood to the north; and he believed that the Commission should seriously reconsider its previous refusal to approve reclassification of the subject property to R-2. He also stated that when the matter of the vacation of Homestead Street had been under discussion by the Commission, it had been understood that the vacated portion of the street area would continue to be used as open space; yet, in the plans which had now been submitted, the vacated street area would be covered with a building. In conclusion, he stated that the proposed building would bend the spirit of the City Planning Code even if it were not technically in violation of the Code.

Carol Nelson, 30 Homestead Street, advised the Commission that children from the neighborhood play in the streets; and she felt that the traffic which would be generated by the proposed building would create a threat to the safety of the children.

Laurence Granberg, 86 Homestead Street, stated that he had moved to the subject neighborhood one and one half years ago. He had been attracted to the area because it is a quiet area which is not penetrated by fast moving traffic. However, if the proposed building were to be constructed, the character of the area would change. He agreed with Miss Brady that the best route to follow in traveling downtown is by way of Hoffman Avenue or Homestead Street to 24th Street; and he indicated that he uses that route himself because the cross-traffic along 25th Street is viscious. He felt that the proposed building would not harmonize with the spirit of the neighborhood and that it would, in fact, ruin the area.

Commissioner Fleishhacker asked Mr. Granberg if he had been aware that the subject property was zoned R-3 and that it would probably be developed with apartment houses when he had purchased his property. Mr. Granberg replied that he had been aware that the property was for sale and that conditional use authorization had previously been granted to construct a convalescent hospital on the site; however, he had felt that it would not be possible to construct a large building on the property unless it would have access to Clipper Street. He stated that a convalescent hospital would not have generated nearly as much traffic as would be generated by the proposed apartment house. And he remarked that no other large apartment houses exist in the area. Under those circumstances, he had not been overly concerned about the type of development which would occur on the property.

Suzanne Forstner, a resident of Homestead Street, stated that both the amount of traffic and the number of children in the subject neighborhood are increasing; and, insofar as the proposed building would double the volume of traffic in the area, she felt that it would endanger the safety of the children. She objected to the size of the proposed building; and she stated that use of the property for a mini-park would be desirable.

Commissioner Porter agreed that it might be desirable for the property to be used as a mini-park; however, she observed that it was unlikely that anyone could be found who would be willing to purchase and maintain the property for park use.

Doris Cohen, 461 Hoffman Avenue, stated that she had understood that the major concern of the City Planning Commission is to preserve and improve the existing neighborhoods. She remarked that the existing neighborhood is old and is characterized as a family area; and she believed that the proposed building, which would have 33 one-bedroom apartments and which would not house families, would completely disrupt the present character of the neighborhood. If the Commission were to approve the building permit application, she felt that it should at least require that the proportion of family units in the building be increased.

Mrs. Buckner, 53 Homestead Street, stated that Homestead Street cannot accommodate any additional traffic or parking congestion.

President Newman stated that he had received a letter from Mr. and Mrs. James D. Elliott, 4464 23rd Street, indicating that they shared the concern of other residents of the neighborhood with respect to the 41 unit apartment building which was being proposed.

Alvin Hayman, the applicant, stated that his architect, who had also worked on plans for the convalescent hospital which was previously proposed, was throughly familiar with the site. He had recognized that the site would be difficult to develop; and he had wanted to avoid neighborhood opposition as much as possible. Therefore, he had given consideration to the issues of views and environment. Mr. Hayman stated that he would have preferred to have apartments fronting on Clipper Street; however, that approach would not have been feasible because of the strip of City owned property between his property line and the street right-of-way. In order to lessen the impact of the proposed building on the adjacent neighborhood, he had not taken full advantage of the 40 foot height limit along 25th Street. Instead, a 2 story building was being proposed along that street frontage with higher portions of the building placed closer to Clipper Street. Two garage entrances would be on 25th Street, while it was true that automobiles would have to back out of the garages onto 25th Street, he pointed out that cars must back out into Diamond Heights Boulevard from garages located along that street. He disagreed with other speakers that traffic coming from the proposed building to downtown San Francisco would use Homestead Street, which is only one block long; and he indicated that he felt that the logical route would be along 25th Street to Diamond then down Diamond to Market Street. He stated that the proposed building would cover less than 40% of the site; and he informed the Commission that the remainder of the site would be landscaped. He stated that provision would be made for pedestrian access to the building from Clipper Street; and he was confident that many people visiting the property would use that means of access. He stated that two apartment buildings already exist on Clipper Street, one containing 21 dwelling units and the other containing 24 units. Therefore, construction of the proposed building would not drastically change the character of the area. The proposed building would not damage any views from homes north of the site; and, if properties located to the west of the site were to be developed as permitted by their R-3 zoning, those buildings would enjoy views over the proposed building.

Commissioner Porter asked the applicant if he intended to provide the mandatory 25 foot rear yard. Mr. Heijn, architect for the applicant, stated that the staff of the Department of City Planning had originally treated the site as a double-frontage lot. He had been aware that the Department of Public Works had been opposed to access onto Clipper Street; however, he had assumed that the 5 foot strip of City-owned land was included in the street right-of-way. If the 5 foot strip of property were not included in the street right-of-way, he felt that the matter should have been clarified at an earlier date and that different standards should have been established for the project.

Mr. Passmore confirmed that the staff person who had originally reviewed the plans had not been aware that the 5 foot strip of City-owned property is not included in the street right-of-way. The discrepency had been discovered only when the plans had been called back for discretionary review. Since the 5 foot strip is not included in the street right-of-way, the 25 foot rear yard is technically required by the City Planning Code.

Mr. Heijn advised the Commission that a total of 83 dwelling units could have been constructed on the subject property prior to modification of the R-3 density standards in 1963; and he indicated that drawings had been prepared for such a building.

Commissioner Ritchie remarked that residents of the neighborhood had stated that there would not be room even for a blade of grass on the site if the proposed building were to be constructed; yet, the applicant had indicated that the building would cover only 40% of the site and that the remainder of the site would be landscaped. He asked the applicants to comment on those conflicting statements and also to indicate whether it would be possible to direct traffic from the subject site onto Hoffman Avenue. Mr. Hayman replied that the strip of land along Clipper Street, which would remain vacant, would be landscaped. He stated that he had not planned to provide access to Hoffman Avenue from the site; and he noted that Mr. Passmore, during his introductory statement, had correctly noted that provision of such an access would require a great deal of earth moving.

Commissioner Ritchie inquired if one of the previous speakers had been correct in stating that the swimming pool which would be constructed would receive no sunlight. Mr. Heijn stated that the swimming pool would be on the east side of the building where it would receive the best sunlight until mid-afternoon. He also noted that the pool would be best protected from the wind if it were on the east side of the building.

Commissioner Ritchie asked if it would be economically feasible to increase the proportion of family units in the proposed building. Mr. Hayman replied that he had learned from experience that families remain in rental apartment buildings for only a short time before purchasing their own homes or condominum apartments.

Commissioner Porter felt that the applicant sincerely wished to do a good job on the project; and, while there was neighborhood opposition to the development, the opposition was not accompanied by the sort of antigonism which is often in evidence. Under the circumstances, she wondered if Mr. Hayman would be willing to work with residents of the neighborhood to see if changes could be made in the plans which would make the proposed project reasonably acceptable to residents of the area.

Mr. Hayman stated that he had worked with local residents in other communities and he indicated that he would be willing to work with residents of the subject neighborhood. However, even if four or five units were to be deleted, he pointed out that the neighborhood would still be faced with a 36 unit apartment dwelling. He felt that many problems associated with the proposal would be resolved if it were possible to have automobile access onto Clipper Street. However, that approach did not appear to be possible.

Edward I. Murphy, Assistant Director of Planning, recommended that the Commission direct the staff to consult with the developer and his architect to achieve a building which has a density more in keeping with the existing density of the surrounding neighborhood and to achieve a building which would have the aesthetic amenities and open space which are required under the policies of the Urban Design element of the Master Plan.

Commissioner Porter asked if she were correct in understanding that the Commission had refused to reclassify the subject property to R-2 in 1966. Mr.Murphy replied in the affirmative but noted that the staff of the Department of City Planning had recommended that the reclassification be approved.

After further discussion it was moved by Commissioner Fleishhacker, seconded by Commissioner Mellon, and carried unanimously that action on this matter be postponed indefinitely and that the staff of the Department of City Planning be directed to work with the applicant and residents of the neighborhood to achieve a building which would be more in keeping with the neighborhood.

At 3:40 P.M. President Newman announced that the meeting was recessed. Members of the Commission then proceeded to Room 282, City Hall, and reconvened at 3:50 P.M. for hearing of the remainder of the agenda. Commissioner Mellon was temporarily absent from the meeting room.

PUBLIC HEARING ON PROPOSAL TO DESIGNATE THE LEON L. ROOS HOUSE, 3500 JACKSON STREET, AS A LANDMARK.

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator) summarized the architectural and historical characteristics of the subject building which had led the Landmarks Preservation Advisory Board to recommend that it be designated as a Landmark. He also read the following letter which had been addressed to the Landmarks Preservation Advisory Board by Daniel G. Farthing, attorney for the owner of the Roos House:

"We represent Mrs. Elizabeth L. Roos. As you know, her home has been proposed for designation as a landmark of the City of San Francisco, to be considered by the Board on November 1. In that connection, Mrs. Roos has requested that we communicate on her behalf to the Board.

"Mrs. Roos is in accord with the proposal to designate her home a landmark. However, she has been apprised of the fact that the current San Francisco Code does not provide suitable alternate uses to that of a single family dwelling, should it become desirable for economic or other reasons to discontinue maintaining the residence as such a dwelling. Mrs. Roos therefore suggests to the Board that the Planning Code be suitably enlarged with respect to such alternate uses, such as housing the offices of a non-profit foundation, so that buildings which the City has seen fit to designate as landmarks will not be demolished by the owners for lack of appropriate alternative uses.

"It would be appreciated if you could communicate the contents of this letter to the Board."

No one was present in the audience to speak in favor of or in opposition to the proposal to designate the Roos House as a Landmark.

Commissioner Fleishhacker asked the staff to comment on Mrs. Roos's suggestion that the City Planning Code be amended to permit alternate uses of residential buildings which have been designated as Landmarks. Mr. Steele replied that the City Planning Code would permit conversion of the subject building into three dwelling units; however, it would probably be difficult to effect the conversion.

Commissioner Porter asked if conversion of the existing single family residence into multiple units would require provision of additional parking spaces. Mr. Steele replied that one parking space for each unit would be required unless a variance were granted.

Commissioner Porter asked if single family residences can be used as headquarters for community organizations. Mr. Steele replied that conditional use authorization may be granted to permit single family residences to be used as headquarters for eleemosynary and philanthropic organizations; however, such authorization could not be granted for organizations which have only a non-profit status.

At this point in the proceedings, Commissioner Mellon arrived in the meeting room and reassumed his seat at the Commission table.

Mrs. G. Bland Platt, Vice-President of the Landmarks Preservation Advisory Board, stated that Mrs. Roos had been trying to make arrangements for future use of her home; and, since modification of the City Planning Code is not within the province of the Landmarks Preservation Advisory Board, she hoped that the suggestion which had been made by Mrs. Roos would be given consideration by the staff of the Department of City Planning and by the City Planning Commission.

President Newman requested the staff to give consideration to the request which had been made by Mrs. Roos.

After further discussion, it was moved by Commissioner Fleishhacker, seconded by Commissioner Porter, and carried unanimously that Resolution No. 6987 be adopted and that the proposal to designate the Leon L. Roos House, 3500 Jackson Street, as a Landmark be approved.

PUBLIC HEARING ON AN APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS TO DEMOLISH THE SHERMAN HOUSE, 2160 GREEN STREET, A DESIGNATED LANDMARK.

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), described the architectural and historical characteristics of the Sherman House which had been used as a basis for designating it as a Landmark. He stated that the legislation designating the building as a Landmark had gone into effect on October 18, 1972; and he indicated that the owner of the building had filed an application for a demolition permit a short time later. He stated that Article 10 of the City Planning Code requires that a certificate of appropriateness be issued prior to the issuance of the demolition permit for a Landmark; and he indicated that Article 10 authorizes the City Planning Commission to suspend action on the issuance of such a certificate for a period not to exceed 180 days for the purpose of exploring ways and means to bring about preservation of the structure. The Board of Supervisors may suspend action on issuance of a Certificate of Appropriateness for an additional 180 days upon the recommendation of the City Planning Commission. In conclusion, he stated that the Landmarks Preservation Advisory Board had acted on February 7, 1973, to adopt Resolution No. 77 and to recommend to the City Planning Commission that action on the application for a Certificate of Appropriateness for demolition of the subject building be suspended for 180 days.

Commissioner Ritchie revised several questions regarding procedures which would be followed in processing an application for a Certificate of Appropriateness for demolition of a Landmark building. After Mr. Steele had explained the procedures and had indicated that the Certificate of Appropriateness would automatically be issued at the end of one year if the owners of the property still wished to proceed with the demolition, Commissioner Ritchie observed that a term such as "Certificate of Permission" rather than the term "Certificate of Appropriateness" should have been applied to the authorization. President Newman noted that Certificates of Appropriateness would also be issued for projects involving the remodeling or alteration of designated Landmarks; and he pointed out that the term "Appropriate" would be suitable under those circumstances.

No one was present to speak in favor of the issuance of a Certificate of Appropriateness for demolition of the Sherman House.

Beatrice Kirschenbaum read and submitted the following letter which had been prepared by John Beckham, a member of the Board of Directors of the Pacific Heights Association:

"The position of the Pacific Heights Association with respect to the Sherman House has been made clear in our several appearances before the Landmarks Board, the Planning Commission and the Board of Supervisors.

"We support, wholeheartedly, all efforts to preserve this historic and beautiful building.

"The weight and responsibility for the preservation of the quality and character of neighborhoods rests with the Planning Commission. This philosophy is well described in the Urban Design Plan. We trust you will adhere to the philosophy of the Urban Design Plan in the protection and preservation of historic building for all the citizens of San Francisco.

"Demolition of the Sherman House should be denied."

Gabriel Sheridan, representing the Page-Laguna Association and the Buena Vista Preservation Society, urged the Commission to refuse to issue a demolition permit for the Sherman house. He stated that he was interested in preserving some of the City's most beautiful and historic victorian buildings; and he hoped that it would be possible to achieve passage of stronger landmarks legislation in the near future. At present, the Landmarks Ordinance allows priceless and irreplaceable works of art, such as the Sherman House, to be demolished in only one year; and he felt that a waiting period of at least 3 to 5 years should be established. He also suggested that properties occupied by Landmark buildings should be zoned R-1 to discourage speculators.

Commissioner Fleishhacker inquired about the zoning of the subject property. Mr. Steele replied that the property is zoned R-4; however, he indicated that an application is pending which requests that the property be reclassified to R-2.

Commissioner Fleishhacker asked Mr. Sheridan if he could suggest ways other than spot-zoning and a 5 year waiting period for demolition to strengthen the Landmarks Ordinance. Mr. Sheridan replied that he had suggested to the Landmarks Preservation Advisory Board that the waiting period for demolition be as long as 25 years to discourage speculators.

Commissioner Fleishhacker asked what Mr. Sheridan would do if he owned the subject building and if he were broke. In reply, Mr. Sheridan asked if a man who happened to own the Mona Lisa would have a right to destroy it.

Commissioner Fleishhacker remarked that the owner of the Mona Lisa would obviously have the right to destroy it; however, he would be stupid to do so.

Commissioner Porter acknowledged that the local landmark ordinance is not strong. Yet, she observed that even the existing ordinance had not been easy to achieve. However, the ordinance does permit the City to suspend action on demolition permits for up to one year; and she felt that such a moratorium could be significant if people and groups who care deeply about Landmark buildings would make a serious effort to acquire the endangered properties within the one year period.

President Newman advised the audience that the heirs of the owner of a magnificent victorian home in San Francisco had offered to give the home and its furnishings to any organization which would assume responsibility for its maintenance; yet, although the offer had been outstanding for six months, no offers had been made.

Commissioner Ritchie, one of the original members of the Landmarks Preservation Advisory Board, stated that he had always felt that San Francisco should have a stronger landmarks ordinance. And, in addition, he felt that special landmarks zoning should be established. He believed that landmark designation should be permanent and that demolition should not be permitted; and, if such standards were imposed, they should be accompanied by a tax reduction of at least 50% for Landmark properties. He urged members of the audience to prepare proposals for strengthening of the Landmarks ordinance.

John F. Hogan, Jr., owner of five parcels of property in the vicinity of the Sherman House, stated that he had purchased property in the area because of the character of the neighborhood; and he indicated that he has made efforts to maintain his victorian home and offices in a proper manner. He urged that issuance of a demolition permit for the Sherman House be delayed for one year in the hope that some program could be devised during the interim to convert the building into alternate uses on a "break-even" basis. He advised the Commission that the owner of the Sherman House owns other adjacent parcels of property; and, if the buildings occupying the properties were to be demolished, a large vacant parcel of property would emerge which could be developed to the severe detriment of the neighborhood. He stated that his firm would be willing to maintain the Sherman House if the building is ever permanently designated as a Landmark.

Mrs. Kirschenbaum advised the Commission that the Pacific Heights Association is trying to work out some method of purchasing and holding Landmark properties, such as the Sherman House, for later resale to owners who would be committed to their preservation. However, with the present one year limitation on the suspension of a demolition permit, little time is available for such negotiations; and she felt that a suspension ranging from 20 to 25 years would be more appropriate.

Howard Chickering, attorney for the Pacific Heights Association, advised the Commission that the application for a permit to demolish the Sherman House had been filed only one or two weeks after the building had been officially designated as a Landmark; and he felt that the owner of the building was, in fact, laughing at the City Planning Commission and the weakness of the Landmarks ordinance. He remarked that the purpose of the one year suspension of the demolition permit was to enable interested parties to make an effort to purchase the endangered property; yet, he informed the Commission that the Sherman House is not on the market and that it is not for sale. Under the circumstances, the one year delay in issuance of the demolition permit would amount to no more than a bureaucratic procedure. He urged, however, that issuance of the certificate of appropriateness be denied.

Mr. Hogan stated that he would be willing to purchase the Sherman House at a price based on an average of three independent appraisals if the owner of the property would be willing to agree to such an arrangement.

President Newman asked if the owner of the Sherman House was present in the audience. Philip Gregory, an attorney, indicated that Mrs. Herbert, owner of the property, was present but did not wish to make a statement.

Commissioner Ritchie remarked that an article carried in the San Francisco Examiner on July 7, 1972, had attributed the following quotation to Mrs. Herbert:

"I am only a custodian to preserve this building for the future". Yet, only nine months later, a permit to demolish the building was being requested. He asked if the newspaper article had quoted Mrs. Herbert correctly. Mr. Gregory replied that Mrs. Herbert had put a great deal of money into the building; and he indicated that she felt that she was unable to continue making such investments.

Commissioner Ritchie asked if he could assume that Mrs. Herbert does not wish to demolish the building. Mr. Gregory replied that Mrs. Herbert cannot maintain the building indefinitely; and, as a result, she would like to dispose of it.

Commissioner Porter asked if the request for a demolition permit had been filed because the owner really wishes to demolish the building or because she wished to free the property from the lien placed against it by Landmarks designation.

Mr. Gregory replied that Mrs. Herbert had no personal wish to demolish the building; however, he felt that she might be forced to demolish the building because of economic considerations.

Commissioner Ritchie felt that it sounded as if Mrs. Herbert does not wish to demolish the building; and, under the circumstances, he felt that a six month or one year delay in issuance of the demolition permit might be helpful insofar as it would provide her an opportunity to dispose of the property to someone who would be willing to purchase and maintain it as a Landmark.

The Secretary called attention to a telegram which had been received from Katherine Kirkham, 2239 Green Street, urging the Commission not to grant a demolition permit to the applicant.

Mrs. Platt advised the Commission that it was true that the Sherman House was not on the Market prior to February 23; however, on that date, the Landmarks Preservation Advisory Board had received a letter from Mr. Gregory stating that Mrs. Herbert would be willing to work with the Landmarks Board and with the City Planning Commission to find a new owner or a new use for the building. Mrs. Platt felt that there would be advantages as well as drawbacks to a stronger landmarks ordinance; and, in any case, she felt that a stronger ordinance would be difficult to achieve.

Commissioner Ritchie stated that it seemed to him that the applicant had filed for a demolition permit not because she wished to demolish thebuilding but because she wished to establish a date upon which the property would cease to be a Landmark. He asked if Mrs. Platt shared his analysis of the matter. She replied in the affirmative and remarked that the applicant was using a provision of the Landmarks Ordinance in a way which had not been intended. Nevertheless, she felt that it would be good to have a period of time in which to discuss the issue at greater length; and she believed that the applicant would be willing to participate in the discussion.

Mr. Hogan asked if the Commission could effectively lengthen the one year suspension by postponing action on the issuance of a Certificate of Appropriateness until a later date. Mr. Steele replied in the negative and indicated that the Commission must act on such matters within a specific period of time.

A member of the audience asked if issuance of the demolition permit, after suspension of six months or one year, can be appealed to the Board of Permit Appeals. Mr. Steele replied in the affirmative.

A member of the audience who owns property in the subject neighborhood remarked that owners of Landmark properties have no privileges except to be designated as a Landmark. They receive no tax benefits or other forms of assistance or compensation. She felt that such a situation was extremely unfair.

Mrs. Alfred Crapsey stated that a bill has been passed by the State Legislature and signed by the Governor which would allow tax rebates to be granted for Landmark buildings.

Mr. Steele stated that, from preliminary examination, it appeared that the State Legislation would apply only to buildings located in historic districts; and he did not feel that it would be reasonable to designate a single property as a district. He then recommended adoption of a draft resolution which he had prepared and which contained the following resolves:

"RESOLVED, That action on (said) Certificate of Appropriateness application CA73.2 to demolish the Sherman House at 2160 Green Street is suspended for a period of 180 days;

"AND BE IT FURTHER RESOLVED, If said Certificate of Appropriateness application and demolition permit application are not withdrawn within 90 days, that the Commission hereby requests the Board of Supervisors to extend suspension of action on said Certificate of Appropriateness application for an additional period of 180 days and hereby directs its Secretary to transmit a copy of this resolution to the Board of Supervisors for appropriate action, following the exploration of the 90 day period if necessary."

After further discussion it was moved by Commissioner Fleishhacker and seconded by Commissioner Porter that the draft resolution be adopted.

President Newman asked if he were correct in understanding that the Sherman House could be demolished in approximately one year even if the resolution were to be adopted. Mr Steele replied in the affirmative.

Commissioner Ritchie noted that a couple of important buildings had been lost during the past year; and others had come close to being lost. He felt that a stronger landmarks ordinance is needed; and he urged members of the audience to len their active support to such legislation. He also remarked that no owners of landmarks buildings had yet come before the Commission to request tax relief in a specific dollar amount.

Commissioner Mellon predicted that it would be difficult to achieve a stronger ordinance unless the revised ordinance were to include some provisions for tax relief or for funding or for purchase of Landmarks property at their market value.

Commissioner Fleishhacker cautioned advocates of stronger landmarks legislatic that they should be careful to proceed in a statesmenlike manner. If an impossible ordinance were proposed, a strong possibility existed that it would backfire and start a reaction against the present landmarks ordinance. He also felt that people should be careful in their use of the term "speculator". He remarked that the owners of landmarks buildings have constructed the buildings and have maintained them through the years; and he felt that their rights as property owners should be recognized.

When the question was called, the Commission voted unanimously to adopt the draft resolution as City Planning Commission Resolution No. 6988, suspending actio on the certificate of appropriateness for the demolition permit for a period of 180 days and requesting the Board of Supervisors to suspend action for an additior 180 days.

The meeting was adjourned at 4:55 P.M.

Respectfully submitted,

Lynn E. Pio
Secretary

ABJ

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, March 15, 1973.

The City Planning Commission met pursuant to notice on Thursday, March 15, 1973 at 2:15 P.M. in the meeting room at 100 Larkin Street.

PRESENT: Mrs. Charles B. Porter, Vice President; John C. Farrell, Mortimer Fleishhacker, Thomas J. Mellon, John Ritchie, and Hector E. Rueda, members of the City Planning Commission.

ABSENT: Walter S. Newman, President of the City Planning Commission.

The staff of the Department of City Planning was represented by Allan B. Jacobs. Director of Planning; Robert Passmore, Planner V (Zoning); Peter Svirsky, Planner V (Zoning); Joseph Fitzpatrick, Planner IV - Community Planning Specialist; Ronald Jonash, Planner III; and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner; Martland Zane represented the San Francisco Chronicle.

APPROVAL OF MINUTES

It was moved by Commissioner Fleishhacker, seconded by Commissioner Rueda, and carried unanimously that the minutes of the meeting of February 15, 1973, be approved as submitted.

CURRENT MATTERS

Allan B. Jacobs, Director of Planning, introduced several members of the staff of the Department of City Planning who have been hired recently.

The Director informed the Commission that the Board of Supervisors, acting on Monday, upheld the Commission's disapproval of a conditional use application for a car wash at Geary Boulevard and 5th Avenue.

The Director stated that the Board of Permit Appeals, also acting on Monday, up held the Zoning Administrator's interpretation of the City Planning Code's single family definition relative to the activities of the Delancey Street Foundation in Pacific Heights.

The Director advised the Commission that the American Institute of Architects have chosen the San Francisco City Planning Commission as the recipient of their Citation of an Organization Award for 1973 for the Urban Design Plan.

The Director requested the Comprehensive Plans Committee (Commissioners Newman Mellon, Ritchie) to meet at 1:30 P.M. next Thursday, prior to the regular meeting, to be advised of the progress on preparation of a Conservation Element for the Comprehensive Plan.

The Director informed the Commission that a resolution had been introduced at the Board of Supervisors which would establish a "Transit First" policy and which would request the Department of City Planning, in co-operation with the Department of Public Works and the Municipal Railway, to establish a "Transit Preferential Streets Plan" and to develop specific programs to carry out the plan. He indicated

that the Comprehensive Plan for Transportation does contain a Transit Preferential Streets Plan; and he stated that the work program of the Department of City Planning does include a project for development of specific programs to implement the plan.

During the course of the Director's report, Commissioner Ritchie arrived in the meeting room and assumed his seat at the Commission table.

PRESENTATION OF HAIGHT-ASHBURY COMMUNITY FACILITIES REPORT

Ronald Jonash, Planner III, presented and summarized the report which is available in the files of the Department of City Planning. Subsequently, he responded to questions raised by members of the Commission.

The Director stated that a meeting will be held in the neighborhood on March 29 to discuss the report; and he indicated that the staff of the Department of City Planning would report back to the Commission regarding the response received at that meeting.

CONSIDERATION OF REQUEST FOR EXTENSION OF CONDITIONAL USE AUTHORIZATION FOR CONSTRUCTION OF A HOTEL AT THE NORTHEAST CORNER OF SACRAMENTO STREET AND SPROULE LANE.

Robert Passmore, Planner V (Zoning), reported on this matter as follows:

"Scheduled for consideration by the City Planning Commission is the request of the Sacramento-Sproule Lane Corporation to extend the deadline for commencing construction of a hotel authorized as a conditional use at the northeast corner of Sacramento Street and Sproule Lane (Assessor's Block 222, Lots 2, 4, 10, 11, 33, 34 and 35) from August 2, 1973 to August 2, 1975.

"The subject hotel was authorized under Resolution No. 6558 adopted on July 2, 1970, which Resolution contained the following conditions:

"1. This hotel, having a maximum of 346 rooms, 2 penthouse suites, meeting rooms, dining room and lobby with pavilion, shall be in general conformity to the revised preliminary plans filed with this application by John Carl Warneck and Associates, dated June 5, 1970, and labeled Exhibit 'A', particularly as to the horizontal and vertical dimensions of the hotel tower, front, side and rear setbacks of the hotel tower, the allocation of dining and meeting room spaces to the second and third floors of the hotel with access of said spaces only from within the hotel, the location of the passenger unloading area in the 20-foot front setback along Sacramento Street, the location of driveways to the parking garage on Sproule Lane, Ewer Place and Malvina Place, the relocation of the service entrance to Ewer Place, and the relocation of approximately 90 off-street parking spaces in a three level garage stretching from Sproule Lane to Mason Street behind the proposed hotel tower.

"2. Final preliminary, architectural and landscaping plans for the hotel building, permanent landscaping of the site and abutting street areas and signs shall be submitted to the Department of City Planning and the Commission for review and approval prior to filing with the Central Permit Bureau for any necessary building permits.

"3. The height of the building, including mechanical penthouses, shall not exceed 324 feet, the tower shall be set back no less than 20 feet from the Sacramento Street property line and may not exceed a depth of 79.33 feet along Sacramento Street by 96.58 feet, the open roof terrace between Ewer Place and Malvina Place shall have no obstructions and shall not exceed 273 feet in height, as shown in Exhibit 'A' and the elevation of the roof terrace on Sproule Lane, excluding the garden room, shall not exceed approximately 283 feet as shown in Exhibit 'A'.

"4. The parking garage shall provide approximately 90 valet parking spaces, and shall be designed and used for attendant parking. The parking garage shall be used only for the parking of vehicles servicing the hotel and automobiles brought to this site by employees and guests of the hotel. Two off-street loading spaces shall be provided as required by the City Planning Code.

"5. The conditions of Resolution No. 6250 adopted by the City Planning Commission on August 8, 1968, for the construction of a hotel on this site shall no longer apply.

"6. Failure to commence construction of the proposed hotel within 3 years of the effective date of this Resolution, unless specific authorization for a later commencement date is given by the City Planning Commission before 33 month of the 3 year period have elapsed, shall be considered abandonment of this project. Construction of an hotel at this site after such abandonment shall be permitted only if authorized through the same procedure as a new Conditional Use.

"The subject site is an irregular "L" shaped parcel having frontages on Sacramento Street, Sproule Lane, and Mason Street with a total area of 25,080 square feet. The southern portion of the site is zoned R-5 and in a 320-E height and bulk district; the northern portion is zoned R-4 and in a 200-D height and bulk district. The site is vacant except for a two-unit dwelling at 1 Ewer Place, a 12-unit dwelling at 1045 Mason Street and a three-unit dwelling at 1130 Sacramento Street. These dwellings would be razed under the hotel proposal.

"The proposed hotel would conform with the height and bulk provisions applicable to the site.

"A hotel containing 270 rooms was authorized for the subject site as a conditional use in 1968, and this authorization was modified at the request of the Sacramento-Sproule Lane Corporation. In 1971 the Planning Commission denied an application for a conditional use retirement center residence.

"From Sacramento Street, the property slopes sharply downhill to the north. Property to the north is zoned R-4 and developed low-medium density residential. Adjacent to the east is the 33-unit Park Land Apartments, and to the west across Sproule Lane is the 72 unit Nob Hill Apartments. The Pacific Union Club and Fairmont Hotel are south and southeast of the subject site. To the southwest is Huntington Park.

"In 1969 the Planning Commission authorized a conditional use 448 room Hyatt Hotel for the southeast corner of California and Jones Street; however this proposal has been abandoned and a 270-unit apartment building is now under construction on that site. In 1971 the Commission disapproved a conditional use hotel application for the northeast and west corners of California and Joice Streets. In 1969 the Commission authorized the conversion of the Stanford Court Apartments into a conditional use hotel, and this hotel is now in operation.

"The Sacramento-Sproule Lane Corporation, owner of the subject site, during the past several years, has been exploring alternate development for the site including the retirement center described above. If developed residentially, the subject site could have up to approximately 158 dwelling units. Currently the Corporation is discussing with the owners of the Nob Hill Apartments the purchase of the subject site and construction of a low rise, medium density apartment building by the Nob Hill Apartments owners."

Robert Patmont, attorney for the Sacramento - Sproule Lane Corporation, felt that the Commission was aware of the problems which his clients had encountered in their efforts to develop the subject property. He stated that the feasibility of developing the property with some type of facility other than a hotel had been considered; and he pointed out that the Commission had previously disapproved a conditional use request for authorization to construct a retirement residence on the site. Possibilities for alternate development had been discussed with a number of development companies; however, none of the alternatives which had been reviewed appeared to be desirable economically. As a result, it was apparent that the only economic development for the property would be a high rise hotel building; and, for that reason, extension of the previously granted authorization for construction of a hotel was being requested. He stated that his clients had offered to turn over their investment in the property to anyone who would be willing to develop something on the site. Residents of the Nob Hill Apartments had expressed interest in spending one million dollars to construct a low-rise apartment building on the site; however, because of the economics of the situation, it appeared that they were no

longer interested in pursuing that sort of development. He understood, however, that the owners of the Nob Hill Apartments were still exploring the possibility of acquiring fee ownership of the portion of the site which is presently owned by the Baldwin family; but it did not appear that any purpose would be served in attempting to negotiate with the Lang family, owners of the second parcel of property included in the site. Mr. Patmont stated that both parcels of property are held by the Sacramento-Sproule Lane Association under 99 year ground leases at the present time. If the owners of the Nob Hill Apartments were able to obtain fee title to the Baldwin property, they intended to develop it as a mini-park and to dedicate it to the City and County of San Francisco; and he stated that there were indications that such a park would be accepted by the City. His clients would support such a proposal and would be willing to donate their investment in the property if the owners of the Nob Hill Apartments were able to obtain fee title from the Baldwin family. However, if such arrangements should fail to transpire, his clients would have to proceed with construction of a hotel on the site. He advised the Commission that his clients were aware that there has been an over-building of hotel facilities in San Francisco; however, they were optimistic that the situation would improve within the next two years with the advent of the Yerba Buena Center. Instead of filing a new conditional use application at that time and going through another extended debate, they felt that the conditional use authorization granted by the Commission three years ago should be extended for two additional years without prejudice to the right of the owners of the Nob Hill Apartments to buy the underlying portion of the site owned by the Baldwin family for development as a mini-park. In conclusion, he stated that the lease arrangement which his clients have with the Baldwin family require that they pay a penalty of $200.00 a day for failure to develop the property.

Commissioner Ritchie asked if he had correctly understood that Mr. Patmont's clients would transfer their leaseholding to the owners of the Nob Hill Apartments if those people were able to acquire fee title to the Baldwin property. Mr. Patmont replied in the affirmative.

Commissioner Ritchie then asked if it was the rental fee being paid for the property which would render projects other than a hotel uneconomical. Mr. Patmont replied that the rent was partially to blame.

Commissioner Mellon asked what Mr. Patmont's clients would do with the portion of the subject property owned by the Lang family if the portion owned by the Baldwin family were acquired by the owners of the Nob Hill Apartments for development as a mini-park. Mr. Patmont replied that he was confident that another party could be found who would be willing to take over the Lang portion of the property.

No one else was present in the audience to speak in favor of the request for extension of the conditional use authorization.

Stanley Herzstein, a resident of the Nob Hill Apartments, confirmed that the remarks which had been made by Mr. Patmont were accurate. Endless negotiations had taken place; and many projections had been made regarding alternate uses for the property. However, because of the size and nature of the property, a viable development would be difficult. As an individual, he opposed extension of the conditional use authorization for construction of a hotel on the property. He remarked that there does not appear to be any necessity for construction of additional hotel rooms in San Francisco; and he pointed out that people are beginning to examine the value of constructing additional high-rise buildings in the City. He felt that construction of a hotel with a height of 350 feet on the subject property would result in a monstrosity; and the building would bring a tremendous loss of light and views to the area. Under the circumstances, he was adamantly opposed to construction of a high-rise building on the site. He stated that Mr. Patmont's clients had been tremendously co-operative in their negotiations with the owners of the Nob Hill Apartments; and he believed that their chances of acquiring deed title to the portion of the site owned by the Baldwin family were favorable although no agreement had yet been reached regarding a specific price. He confirmed that the owners of the Nob Hill Apartments had considered the possibility of developing the property with a low-rise apartment building; however, that idea had been dropped as economically infeasible. Nevertheless, they would continue to pursue purchase of the property for development as a mini-park. If they could acquire fee title to the property from the Baldwin family, they would honor a mutual agreement which they had reached with Mr. Patmont's clients for termination of the lease. Then, the only issue remaining to be resolved would be the one of payment of taxes. In any case, he did not feel that any purpose would be served by extension of the conditional use authorization for construction of a hotel on the site; and, therefore, he urged that the request for the extension be denied.

Commissioner Ritchie asked Mr. Herzstein why he felt that the Baldwin family would be willing to sell their fee title in the property and give up the $200. a day penalty which they are now receiving. Mr. Herzstein replied that the penalty fee would cease whenever a building permit is obtained for the property. In any event, the purchase price of the fee title would ultimately take the anticipated amount of penalty fees into consideration. He felt that such an arrangement would be very attractive to the owners of the property.

Commissioner Fleishhacker questioned whether the financial factors being discussed were pertinent to the issues before the Commission for consideration. Commissioners Porter and Mellon agreed that the issue to be decided on was whether authorization granted three years ago for construction of a hotel on the property should be extended.

Richard A. Hanan, Vice-Chairman of the Board of Governors of the Nob Hill Apartments, read and submitted the following prepared statement:

"The Board of Governors are the elected representatives of the 71 owners of the condominium apartments located on the corner of Sacramento Street and Sproul Lane and designated as 1170 Sacramento Street.

"We wish to go on record as being opposed to the granting of an extension of the conditional use permit heretofore granted authorizing the construction of a hotel at Sproul Lane and Sacramento Street. We feel that since the granting of this conditional use permit approximately three years ago, considerable change has occurred on Nob Hill and in San Francisco. There has been a change in the need for additional hotel space in San Francisco. Furthermore, there has been a change in planning concept for Nob Hill insofar as the acceptable building heights and densities are concerned. Traffic congestion on Sacramento Street has been aggravated, with the prospect that this condition will continue to deteriorate.

"For these reasons, we believe that any new structure intended for Nob Hill requiring a conditional use permit should be critically examined and reviewed by this Commission at the time of the intended construction to make certain that it meets the needs of the area at that time and conforms to the planning concepts then in effect, particularly with respect to traffic patterns, and bulk and density considerations.

"Should this Commission determine to grant the extension of time requested however, we would ask that the Commission make certain that the requirements and conditions of the conditional use permit as originally issued, particularly with respect to traffic controls and set back requirements, be strictly adhered to."

Commissioner Porter observed that all of the members of the Commission were familiar with the site; and she stated that they were aware that any high-rise construction whatsoever on the property would be detrimental to the Nob Hill Apartments Even if the owners of the Nob Hill Apartments were able to acquire fee title to the Baldwin property, she felt that it was likely that high-rise development of the remainder of the site would still have a detrimental impact on the Nob Hill Apartments

Mr. Hanan confirmed that development of the remainder of the site would pose problems for residents of the Nob Hill Apartments; and he indicated that that was one of the reasons that they objected to extension of the conditional use authorization for the hotel. He remarked that the authorization for construction of the hotel had been granted almost three years ago; and he emphasized that the situation had changed significantly since that time.

Commissioner Fleishhacker agreed that things have changed a great deal during the past three years; and he felt that the request for extension of the conditional use authorization should be considered exactly the same way as a new conditional use application would be considered. He noted that the subject property is zoned R-4

and R-5 and may legally be developed with the uses permitted in those districts unless brought before the Commission before discretionary review; and he emphasized that a hotel is not a permitted use under R-4 and R-5 zoning. Construction of a hotel on the property would not be permitted without conditional use authorization for such a project. He felt that the Commission should not act favorably on the request for extension of the previously granted conditional use authorization at the present time. Instead, he believed that the applicant should be required to file a new conditional use application requesting authorization for construction of a hotel on the property.

Mr. Patmont emphasized that his clients have a commitment to surrender their leasehold on the property to the owners of the Nob Hill Apartments if they are able to obtain fee title to the Baldwin property; and, under the circumstances, he did not feel that extension of the conditional use authorization for construction of the hotel would be prejudicial to the owners of the Nob Hill Apartments.

Commissioner Mellon emphasized that one of the conditions previously established by the Commission when it granted the conditional use authorization for construction of the hotel had provided that the authorization might be extended if the City Planning Commission were to approve such an extension before 33 months of the three year authorization period had elapsed; and he pointed out that the applicants were merely taking advantage of that provision to request that the authorization be extended for two years.

Allan B. Jacobs, Director of Planning, stated that the Commission could either extend the authorization with the same conditions which had been established previously or refuse to extend the authorization. If the Commission wished to modify the conditions or add new ones, a new conditional use application would have to be filed; and a formal public hearing would have to be held.

Commissioner Ritchie remarked that the applicants had already held authorization for construction of a hotel on the property for almost three years; and he wondered why they felt that it would be more economical to construct a hotel in the next two years that it had been during the past three years. Mr. Patmont replied that hotel construction had exceeded the demand for hotel rooms during the past three years; however, projections which his clients had made had led them to believe that the picture will improve during the next two years.

Commissioner Ritchie stated that it sounded as if the applicants intended to continue to postpone the construction of the hotel even if the extension were granted. Mr. Patmont replied that his clients were morally committed to delay their project long enough to give the owners of the Nob Hill Apartments a fair opportunity to acquire fee title to the Baldwin property. If those arrangements failed to transpire, they would proceed with construction of the hotel. The only other project which appeared to be economically feasible would be a retirement residence; but the Commission had already indicated its unwillingness to approve construction of such a building on the property.

Commissioner Mellon remarked that an extension of the authorization to construct a hotel would provide the owners of the Nob Hill Apartments with additional time to negotiate with the Baldwin family for purchase of fee title to the property.

Commissioner Porter observed that the owners of the Nob Hill Apartments felt that they would be in a more favorable position if the conditional use authorization were not extended.

Mr. Hanan confirmed that the official position of the Board of Directors of the Nob Hill Apartments was to oppose extension of the authorization to construct the hotel. They felt that Nob Hill is to crowded at the present time; and they believed that the neighborhood will become more crowded in the future. They were particularly opposed to approval of a project which would not be undertaken for two or three years since circumstances may change during that time, resulting in requirement for more restrictive conditions.

Commissioner Mellon felt that the arguments in opposition to construction of the proposed hotel were no different today than they had been three years ago; and, in view of the willingness of the applicants to cooperate with residents of the neighborhood in considering alternate developments, he felt that approval of the extension being requested would be reasonable.

Commissioner Ritchie remarked that it might be possible for the applicants to begin construction of the hotel within the previously extablished three year time limit even if the request for extension of the authorization were to be disapproved.

Mr. Patmont confirmed that it was possible that construction could be commenced before the three year authorization expires; and he indicated that his clients did not wish to continue paying a fee of $200.00 a day indefinitely. However, if construction were to be commenced on the hotel in the near future, it would inhibit the ability of the owners of the Nob Hill Apartments to negotiate with the Baldwin family and would, in effect, precipitate an immediate negative or positive decision.

Commissioner Ritchie felt that approval of the request for extension of the conditional use authorization would force the moment of truth..... The property would be purchased by the owners of Nob Hill Apartments or else the applicant would proceed with construction of the hotel.

Commissioner Rueda concurred in Commissioner Ritchie's analysis of the situation.

The Director recommended that the matter be taken under advisement.

Commissioner Ritchie moved that the matter be taken under advisement for two weeks.

Commissioner Fleishhacker noted that the applicants had requested a two year extension of the conditional use authorization; and he indicated that he would vote for denial of that request. However, he felt that he might be able to support a

request for an extension for a shorter period of time, particularly if such an extension would be of assistance to the owners of the Nob Hill Apartments in its negotiations with the Baldwin family.

Mr. Patmont stated that a two year extension had been requested only because it did not seem unreasonable based on the fact that the original authorization had been for a three year period; however, he indicated that there was nothing magic about that figure. While a six month extension would be too short, he would be willing to amend the request and ask for a one year extension of the conditional use authorization rather than a two year extension. He hoped that the Commission would act on the modified request during the present meeting. However, if the Commission wished to delay action for two weeks, he hoped that it would let him know what additional data it would like to have presented for its consideration.

Commissioner Porter felt that the applicants, as well as the residents of the Nob Hill Apartments and the members of the City Planning Commission, could benefit by two weeks of reflection.

Mr. Patmont stated that he would prefer that the Commission take action at the present time to authorize a one year extension of the conditional use authorization.

Commissioner Fleishhacker remarked that the same conditions which were established three years ago would continue to apply if the authorization were to be extended for one year; and, as a result, he wanted to give careful study to the previou conditions before taking action on the request for extension. If it appeared that changes would be desirable, a new conditional use application would have to be considered. He recalled that one of the concerns of the Commission had been related to traffic problems in the area; and, while he recalled that the Commission had been satisfied that the problems had been resolved, he had forgotten the details of the situation.

Commissioner Ritchie observed that pressures and negotiations were pending on both sides of the issue; and he urged everyone involved to make an effort to come closer together during the next two weeks.

Mr. Patmont remarked that the residents of the Nob Hill Apartments were basically asking for no development of the site whatsoever. He indicated that they had taken the same position five years ago; and he assumed that they would continue to take the same position in the future.

At 3:55 P.M. Vice-President Porter announced a five minute recess. The Commission reconvened at 4:00 P.M. and proceeded with hearing of the remainder of the agenda.

DISCUSSION OF CITY ATTORNEY'S DRAFT ORDINANCE ON ENVIRONMENTAL REVIEW. (CONTINUED FROM MEETING OF 3/1/73)

Peter Svirsky, Planner V (Zoning), advised the Commission that four general types of concerns had been raised regarding the draft ordinance. There had been questions as to the point in time at which preparation of the environmental impact

report would occur. Certain members of the public had asked that the ordinance contain additional requirements for public notice, especially at the start of preparation of an environmental impact report. The Airports and Public Utilities Commissions had requested that they be designated as the agencies responsible for preparing reports for projects under their jurisdiction which would be located outside the City and County of San Francisco; and alternate language relating to that concern had been drafted. Finally, some persons had felt that the ordinance should provide an opportunity for appeal of the Commission's certification of environmental impact report completeness and other aspects of the review process to the Board of Supervisors or the Board of Permit Appeals; but he did not believe that such appeals would be within the scope of what was contemplated by the State law. In conclusion, he advised members of the Commission that two mimeographed lists had been placed before them. The first was entitled "Non-Physical and Ministerial Projects Not Covered by the California Environmental Quality Act"; and the second was entitled "Categorical Exemptions from the California Environmental Quality Act". The latter list will be the subject of a public hearing by the Commission on March 29.

Subsequently, the Commission conducted a general discussion of the provisions of the draft ordinance. Toward the end of the discussion, Commissioner Mellon absented himself from the meeting room for the remainder of the meeting.

At the conclusion of the discussion, it was moved by Commissioner Fleishhacker, seconded by Commissioner Ritchie and carried unanimously that the Commission go on record pointing out that adoption of the draft ordinance would pose a considerable burden on the capabilities of the staff of the Department of City Planning and advising the Board of Supervisors that additional staff will be needed.

Vice President Porter stated that she was aware that some of the people present in the audience felt strongly that the proposed ordinance should contain a provision for appeals to the Board of Supervisors from actions of the City Planning Commission certifying the completeness of the environmental impact reports; and she wondered what was the source of their concern.

Mrs. Oscar Sutro stated that she suspected that neighborhood groups would not always agree with the environmental impact reports which would be accepted by the Commission; and, under such circumstances, she felt that the public should have a right to appeal to some agency other than the courts, which are extremely time-consuming. She understood that issuance of building permits could be appealed only to the Board of Permit Appeals; however, she felt that appeals relating to environmental impact reports should go before the Board of Supervisors, an elected body.

Commissioner Fleishhacker noted that the Commission would hold a hearing before adopting environmental impact reports; and, under the circumstances, he wondered what type of objection people might wish to take to the Board of Supervisors. Mrs. Sutro replied that she had cited traffic count figures when she had spoken in objection to a high-rise apartment building on Russian Hill and had claimed that traffic is already too heavy in that area; however, the representative of the Department of

Public Works had disagreed with her assestment of the situation.

Commissioner Fleishhacker pointed out that the substance of all testimony offered during public hearings on environmental impact reports will be included in the reports; and, as a result, if the hearing to which Mrs. Sutro was referring had been an environmental impact report hearing, her testimony, as well as the statements of the representive of the Department of Public Works, would have been incorporated in the report. Under these circumstances, he did not understand what type of appeal would have been made to the Board of Supervisors.

Commissioner Rueda remarked that the final action to be taken by the Commission would be to certify that environmental impact reports are complete; and he emphasized that anyone who felt that the reports were not complete could add to them by presenting testimony prior to the Commission's action. In any case, the acceptance by the Commission of the environmental impact report would not necessarily affect the discretion of the decision-making body as to approval or disapproval the project. If an adverse environmental impact report were adopted, the Commission or other body would still be able to approve the project itself.

Mrs. Sutro remarked that there would seem to be little point in the environmental impact review process if Commissioner Rueda's statement were correct.

Allan B. Jacobs, Director of Planning, stated that the point of the environmental review legislation was to require agencies acting on projects to consider environmental factors during their deliberations.

Mrs. Balyeat, representing the League of Women Voters, stated that she shared the concerns which had been expressed by Mrs. Sutro. In addition, she had understood that public hearings on drafts of environmental impact reports would take place before a hearing officer and not before the City Planning Commission.

Mr. Svirsky stated the draft ordinance provided that the Commission could, under certain circumstances, delegate the holding of an initial hearing to a hearing officer; however, this initial hearing would have to be continued at another time before the City Planning Commission. He indicated that such an approach would probably be utilized only in unusual circumstances such as where the project would be located outside of the City limits.

Mrs. Balyeat stated that she was also concerned about the fact that the proposed ordinance would require that notices be placed in the official advertising newspaper on only two occasions, i.e. when a negative declaration is issued by the Director of Planning or when a hearing has been scheduled for review of an environmental impact report. She felt that the ordinance should at least provide that each ad must be carried in the newspaper for three consecutive days.

Mr. Svirsky stated that it costs approximately $33.00 a day to carry a three-inch environmental impact ad in the official advertising newspaper; and, therefore, the cost of running such an ad on three consecutive days would be $69.00. He emphasized that the environmental impact ads are always carried in the Friday edition of the official advertising newspaper; and he indicated that they are grouped

together in the paper. In addition, the staff of the Department of City Planning is developing a bulletin board in the hallway at 100 Larkin Street which will provide information concerning the current status of all pending projects. The staff is also required to post notices on the subject properties before the scheduled hearing; and it has been the custom of the staff to notify neighborhood organizations when matters of concern to them are scheduled to come before the Commission.

Vice-President Porter urged any member of the Commission or audience who wishe to comment further on the draft of the proposed ordinance to appear before the joir Health and Environment and Planning and Development Committee of the Board of Supervisors at its meeting next Tuesday afternoon, March 20, at 2:15 P.M.

The meeting was adjourned at 4:50 P.M.

Respectfully submitted,

Lynn E. Pio
Secretary

GBJ

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, March 22, 1973.

The City Planning Commission met pursuant to notice on Thursday, March 22, 1973, at 2:15 P.M. in the meeting room at 100 Larkin Street.

PRESENT: Walter S. Newman, President; Mrs. Charles B. Porter, Vice President; John C. Farrell, Thomas J. Mellon, John Ritchie, and Hector E. Rueda, members of the City Planning Commission.

ABSENT: Mortimer Fleishhacker, member of the City Planning Commission.

The staff of the Department of City Planning was represented by Allan B. Jacobs, Director of Planning; R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator); Robert Passmore, Planner V (Zoning); Peter Svirsky, Planner V (Zoning); Samuel Jung, Planner IV; Ronald Jonash, Planner III; Alec Bash, Planner III; DeWayne Guyer, Planner II; Gregory Oliver, Planner II; Linda Ferbert, Planner I; and Lynn E. Pio, Secretary.

Ralph Craib represented the San Francisco Chronicle; Donald Canter represented the San Francisco Examiner.

CURRENT MATTERS

Allan B. Jacobs, Director of Planning, advised the Commission that next Thursday's meeting will begin at 1:00 p.m. for a field trip to properties scheduled for consideration during the Zoning Hearing to be held the following week.

The Director distributed copies of a report prepared by the staff at the request of the Commission relating to the disposition of funds which had been received by the Recreation and Park Department from the sale of Father Crowley Playground and Columbia Square. The report also provides cost estimates for the replacement of Father Crowley Playground. The Director suggested that the Commission defer discussion of the report until next week.

The Director recommended adoption of a draft resolution which he had prepared which would authorize him to select members of the staff to represent the Department of City Planning at the annual conference of the American Society of Planning Officials in Los Angeles from April 5 through 12. After discussion, it was moved by Commissioner Porter, seconded by Commissioner Rueda, and carried unanimously that the draft resolution be adopted as City Planning Resolution No. 6989.

The Director read the following prepared statement on the status of the environmental impact ordinance:

"As this Commission will recall, the need for environmental review on a wide scale arose immediately after the Friends of Mammoth decision of the California Supreme Court last September. San Francisco reacted promptly to that requirement, and through the Department of City Planning and this Commission it undertook the preparation and review of environmental reports. That work has continued to be done in the same manner up to the present time.

"Although this was a necessary function to be performed for the City and County, so that both public and private projects could legally be allowed to proceed, the Department was by no means pleased to take on the new function, and we said as much at the time.

"In the following months this Department gave considerable assistance to the City Attorney in the very difficult job of keeping a close watch on the drawing up of new legislation and administrative guidelines in Sacramento. It was possible through that effort to have at least a small degree of influence upon those measures so that they would not go too far afield from their basic intent and so that they would be adaptable to San Francisco.

"This watchdog function and the work on project reports have both drawn heavily away from the other responsibilities of the Department, despite a great increase in uncompensated overtime. In December the Commission approved a request for supplemental funds to add two planners and a secretary to the staff to perform this work, but we are nearly convinced that after April 4, the number of projects and the complexity of procedures will require more than three people.

"At the beginning of February, when the State Guidelines came out, work started on an ordinance for San Francisco. It was completed in exactly two weeks and sent to the Board of Supervisors for its review. The ordinance has now been at the Board for four weeks, with only two weeks remaining before the adoption deadline.

"Issues raised at the first Board hearing on February 27 related to public notice, to jurisdiction of some departments, to the time when reports must be prepared, and to several other matters, all of which were largely resolved in the amendments recommended by the City Attorney at the second Board hearing last Tuesday.

"One significant issue does remain, however. There was considerable testimony on Tuesday in favor of appeals at various points in the review process, especially in the case of private development, with conservationists arguing for an appeal to the Board of Supervisors and various contractors and the Secretary of the Board of Permit Appeals asking for appeal to the

Board of Permit Appeals. There appeared to be, underlying some of these comments, a feeling that somehow the process was putting unwarranted power into the hands of this Department and this Commission. The Department's view, in brief, is that appeals would be unnecessary and extremely unwieldy.

"As a consequence of this one issue, mainly, the Board will have another hearing next week and will not meet the adoption deadline. The consequences of this are not fully known, but there seems to be a probability that if no action at all is taken the issuance of permits and many other City activities will have to be stopped.

"All of these facts and these events lead me to the following observation: there is no legal requirement that the environmental review process be carried on in this Department or under this Commission. As to what is practical, substantial arguments can be made either way.

"On the one hand, there have been assumptions, as stated in the State Guidelines, that the work will be carried on in connection with other planning activities. Environmental review has certain similarities to the other work that planning agencies do, and such agencies are apt to have the necessary expertise and technical ability.

"On the other hand, the work could feasibly be done by an independent office or department specially created for this purpose. Much of the job is an administrative one: keeping track of all the projects affected, classifying them, seeing that material is submitted at the proper time, giving notice at several points for each project, arranging for hearings, and revising the reports to reflect comments raised. This administrative work does not, for the most part, require the skills of a city planner.

"A separate office would also avoid the inevitable drain on resources of the Department of City Planning that ought to be devoted to existing responsibilities: that is, the Master Plan, the capital improvements program, area planning and the refinement of development controls. All of these responsibilities are directed, in some degree, toward protecting or improving the environment, and it may be submitted that they are more basic and far-reaching than review of the environmental effects of individual projects. With regard to refinement of development controls, especially, it can be seen that drawing staff into the more narrow job of environmental review can easily remove the capability to put together really adequate development standards; we would be measuring symptoms, if you will, rather than curing the disease.

"The review process as proposed in the draft ordinance is already complex, and it must be that way to conform to State law. If appeals were added, the complexity would be greatly increased.

"As your Director, responsible for seeing that the various tasks of this Department are carried out, I have always had a tendency to feel that there would be advantages in having the environmental review process handled by a separate office. I have now come to the point where I feel such a separation ought to be made. If there is such a separation,

"1. No one will have preconceived ideas about the orientation of the new office or about its environmental review work being influenced by other related activities;

"2. There will be no confusion in the public's mind between environmental review of projects and more basic planning work;

"3. The new office will be involved in projects only when they are sent to it, and projects will plainly be handled on a first-come-first-served basis;

"4. There will be no doubt as to just how much the environmental review process costs; and

"5. The effects of complexity in the process will be seen directly in the workload of that office and in its ability to handle that workload.

"I ask the Commission's endorsement of this report so that it may be presented to the Board of Supervisors at its next committee hearing on this matter. The recommendation I have outlined would be made to them with the understanding that in the interest of meeting the State law deadline the ordinance ought to be passed in its present form, giving responsibilities to the Department of City Planning, but that at the earliest possible date thereafter a separate office should be created, independent of the Department of City Planning, to administer the environmental review requirements."

During the course of the Director's presentation, Commissioner Ritchie arrived in the meeting room and assumed his seat at the Commission table.

Commissioner Porter felt that review of environmental impact reports by a department completely divorced from the Department of City Planning might lead to a great deal of confusion.

Commissioner Rueda stated that he has always tended to be in favor of an appeal process; however, he wondered what types of appeals would be made to the Board of Permit Appeals if that body were given appellate authority over environmental impact report matters. The Director replied that a common type of appeal to the Board of Permit Appeals might be from contractors requesting reversal of the Department of City Planning's determination that an environmental impact report would be needed; and he expected that the Board of Permit Appeals would decide in many of these cases

that a report would not be necessary. In any case, his basic concern was not with the appeals procedures but with proper allocation of the resources of the Department of City Planning. He remarked that the Department of City Planning is falling behind in certain aspects of its work; and he noted that additional personnel had been requested in the Department's budget for the next fiscal year to help to over-come the backlog. Under the circumstances, and in view of the fact that most major development projects would have to be considered by the Department of City Planning in any case, he felt it was quite possible that nothing would be gained by having this staff involved in the environmental impact review process.

President Newman stated that it appeared to him that the most efficient approach would be to have the environmental impact review function located within the Department of City Planning. The Director agreed that the procedures outlined in the draft ordinance which had been prepared by the City Attorney would result in the most efficient way of handling environmental impact reports. However, as the director of the Department of City Planning, he would prefer that the function not be assigned to his department.

Commissioner Porter stated that she had not previously advocated expansion or extension of the Department of City Planning. However, she felt that it was clear that planning issues are involved in environmental impact considerations; and, if environmental impact review procedures were to be assigned to another department, she believed that jurisdictional disputes would inevitably result.

Commissioner Mellon remarked that the only action which would be taken by the Commission on environmental impact reports would be to certify that they are complete and thorough; and, under the circumstances, he did not know what people would want to appeal.

Commissioner Porter stated that a question had been raised as to whether it would be legal for the Board of Permit Appeals to have appellate jurisdication over actions which would not involve permits; and, in addition, it had been suggested that a Board with a staff of only its Secretary would probably not have the competence to judge environmental impact matters.

Commissioner Rueda stated that he would find it difficult to endorse the Director's recommendation that a separate agency be established to handle environmental impact reports.

The Director stated that an alternative approach would be for each individual department to handle its own environmental impact reports. In that case, the Department of City Planning would still have to coordinate the process and prepare a large number of reports.

Commissioner Farrell stated that it was his understanding that Peter Svirsky of the staff of the Department of City Planning had co-operated with the City Attorney's office in preparing the draft of the environmental impact ordinance; and he remarked that it now appeared that the staff was reversing its position. The Director replied that the staff was not reversing an established position but was merely pointing out that other options existed.

Commissioner Rueda felt that a great deal of expense would be involved in establishing and staffing a completely new agency to handle environmental impact review procedures. Furthermore, members of the public who wished to undertake development projects would then have to work with two different City departments. Under the circumstances, he did not favor the alternate approach.

President Newman indicated that he agreed with Commissioner Rueda in principle. However, if the Department of City Planning were expected to assume responsibility for environmental impact review procedures without adequate addition of new staff members, other elements of the Department's work program would have to be curtailed.

Commissioner Mellon stated that the members of the joint committees of the Board of Supervisors considering the draft ordinance, as well as Supervisor Molinari, had seemed to be less than enthusiastic about giving the City Planning Commission authority to make final determinations as to the completeness of environmental impact reports, and had tended to feel that provision should be made for appeals from the Commission's actions. The Board of Permit Appeals was anxious to acquire appellate jurisdiction; and contractors and labor unions had supported that approach. Conservationists had indicated that they wished for the appeals concerning private projects to be directed to the Board of Supervisors; but the members of the joint committees had responded negatively to that suggestion, indicating that the Board is already overworked.

The Director remarked that the staff of the Department of City Planning and the City Planning Commission are overworked, also; and he pointed out that assumption of environmental impact review responsibility would place additional burdens on the Commission as well as on the staff.

Commissioner Porter remarked that the Department of City Planning had been involved in drafting of the environmental impact ordinance; and, under the circumstances, she was surprised by the staff's change of mind. She thought that there was no question that additional staff would be needed by the Department if it were to assume responsibility for environmental impact procedures; however, there seemed to be little basis for repudiation of all responsibility at this point in time. Nevertheless, if it were not for the fact that she felt that jurisdictional trouble would result, she would be prepared to endorse the Director's recommendation.

Commissioner Mellon stated that he was prepared to endorse the Director's recommendation; however, he felt that the Commission should also ask the Board of Supervisors to consider the alternative of having other departments prepare and certify the reports for projects within their own realm of responsibility.

Mr. Svirsky pointed out that the Department of City Planning would continue to have responsibility for environmental impact reports for all major private developments if the alternative suggested by Commissioner Mellon were to be followed.

Commissioner Porter asked if the Department would need additional staff to process environmental impact reports for private developments. The Director replied that funds had already been requested for additional positions to handle environmental impact matters; and he felt that those positions would very likely be adequate to fulfill the department's responsibility under the alternative which had been suggested by Commissioner Mellon, though the positions would not be adequate if the department were responsible for all impact reports in the City and County.

After further discussion it was moved by Commissioner Mellon, seconded by Commissioner Ritchie, and carried unanimously that the report and recommendations of the Director be endorsed. In addition, the Commission requested the Board of Supervisors to consider the alternative of having each Board, Commission and Department of the City and County prepare and certify reports for projects within its own realm of responsibility. The Commission stated that the second alternative would continue to impose a significant work load upon the City Planning; and, as a result, the additional staff which had already been requested in a supplemental appropriation would still be required.

DISCRETIONARY REVIEW OF BUILDING APPLICATION NO.417508 FOR WESTERN MERCHANDISE MART ADDITION, MARKET STREET BETWEEN NINTH AND TENTH STREET (ASSESSORS BLOCK 3508, LOTS 6, 9, 11 AND 33).

R73.3 - REVOCABLE ENCROACHMENT PERMIT FOR A PEDESTRIAN MALL AND ENCLOSED ELEVATED BRIDGE, STEVENSON STREET, EAST OF 10TH STREET: WESTERN MERCHANDISE MART ADDITION.

Robert Passmore, Planner V (Zoning), reported on these matters as follows:

"This Building Application for a site permit is being reviewed pursuant to Planning Commission Resolution No. 6111, adopted June 1967, which calls for discretionary review of all new or enlarged buildings along Market Street in the area undergoing extensive public improvements.

"The proposal is a 10 floor wholesale showroom building for furniture, carpets, fabrics, and decorative materials manufacturers that would add to the present Western Merchandise Mart 348, 308 square feet of gross floor area. With this addition the total Merchandise Mart gross floor area would be approximately 1,199,300 square feet.

"The proposed addition would occupy the parcel of land fronting on the east side of 10th Street between Stevenson and Jessie Streets adjacent to the west and south of the existing 'L' shaped Merchandise Mart building. The site is presently occupied by automobile parking open and subsurface, and a small one floor store and office complex. The addition would be connected to the existing Mart by enclosed pedestrian bridges at the 6th

floor at the east end of the addition and at the 10th (top) floor at the north side of the addition. The latter bridge would be over Stevenson Street, and is the subject of R73.3 also scheduled for Commission review on March 22, 1973. The basement of the addition would be a parking garage for approximately 90 attendent parked cars. An underground connection between this new garage and a parking garage under the existing Mart is considered possible by the architect for the project, but is not presently shown on the building plans. The new garage would have a combined entrance and exit driveway on 10th Street; the existing garage has narrow entrances or exits on Market Street and 10th Street. If the garages are merged the existing Market Street driveway would be closed.

"At the eastern end of the proposed addition seven full sized loading bays would be provided adjacent to a truck yard with access from Jessie Street Presently one off-street loading bay is provided with additional stacked loading spaces on Stevenson Street. Under the proposal Stevenson Street would be altered to a landscaped pedestrian mall, also the subject of the above-mentioned R73.3, and its use for truck loading would be precluded.

"The proposed addition would be 284.5 feet long in its east-west axis and 124.5 feet wide along 10th Street. The building would be 113.5 feet high. Except for ground floor show windows on the Stevenson and 10th Street frontages few windows would be provided the proposed addition. The predominant facade treatment would be large tan colored textured precast concrete panels.

"The subject site is zoned C-3-G, and is in a 320-I height and bulk district. The C-3-G district permits a basic floor area ratio of 10 to 1; the combined existing and proposed Mart buildings would have a gross floor area resulting in a ratio of 9.58 to 1. No off-street parking is required, but accessory parking floor area not to exceed seven percent of the total gross floor area of the building is permitted; the proposed parking complies with this limitation. The 'I' bulk designation limits the horizontal dimensions of buildings over 150 feet; as the proposed 113.5 foot building height is below this level no bulk limitations other than floor-area-ratio apply to the project.

"The proposed building is set back five feet from the 30 foot wide Jessie Street in order to give additional maneuvering room for trucks servicing the Mart. Ninth Street is one-way north bound; 10th Street is one-way south bound; and Jessie Street is a two-way street. The applicant has proposed informally that Jessie Street be changed to one-way west bound to lessen traffic congestion in the vicinity of the Mart.

"The existing Merchandise Mart is 134 feet high at the eastern end and 111 feet high at the western end. Facing the site of the proposed addition on the west side of 10th Street are 30 foot and 60 foot high commercial buildings. The south side of Jessie Street between 9th and 10th Street is occupied by a parking lot; low rise buildings occupy the properties further south.

"General City policy calls for the elimination of existing driveways wherever possible along Market Street in the downtown area in connection with the Market Street Improvement Program.

"After reviewing an environmental evaluation of the proposed project including the proposed encroachments of Stevenson Street, (EE 130) the Director of Planning found that the proposed project would not have a significant effect on the environment, and the submitted Environmental Form has been filed as a Negative Declaration.

"In connection with the construction of a 10 floor addition to the Western Merchandise Mart on the parcel of land facing the east side of 10th Street between Stevenson and Jessie Streets adjacent to the west and south of the existing Mart Building it is proposed to construct and maintain a pedestrian mall having brick paving, potted trees, decorative street lights, planters, fountains and benches on the dead-end segment of Stevenson Street east of 10th Street between the existing Mart and the proposed addition, and to construct an enclosed, single-level pedestrian bridge over Stevenson Street connecting the 9th floor of the existing building to the 10th floor of the proposed addition. The applicant states that the proposed bridge would allow convenient access from the proposed addition to auditorium-restaurant facilities of the existing Mart. The bridge would have a vertical clearance over Stevenson Street of 102 feet. A concourse or gallery is planned to connect the Market Street lobby of the existing Mart with the proposed mall, thereby creating a loop pedestrian circulating route of Market Street, gallery, mall and 10th Street. Additional indoor pedestrian routes exist from the lobby to 9th Street entrances to the Mart.

"Presently, Stevenson Street, which dead ends at the 134 foot high 9th Street wing of the existing Mart Building, is used for truck access to the Mart. This use of the Street would be relocated and redesigned under the plans for the proposed addition to an area at the east end of the addition having access from Jessie Street. Stevenson Street also provides access to the Mart for five protection purposes. Existing P.G.& E., water and sewer lines under Stevenson Street would not be affected by the present proposal; however these lines would have to be relocated if a possible future request to allow an underground connection between the existing Mart Building and the proposed addition were to be granted.

"After reviewing, the proposed encroachments of Stevenson Street the Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT) found that the proposal would be acceptable to that Committee provided easy access over Stevenson Street for fire fighting purposes was retained.

"In addition to policies related to the traffic carrying aspects of streets, the Master Plan also contains criteria concerning revocable encroachments of City Streets under Policy 9 of the Conservation Section of the Urban Design Element of the Plan. This policy states that the release of street area may be considered favorably if the release would not violate any of the criteria outlined under the policy, which criteria are concerned basically with the protection of views,open space and access to private property, and the prevention of out of scale buildings and undue intensity of use; and if the release would be for the purpose of permitting a small scale pedestrian crossing consistent with the principles and policies of the Urban Design Plan.

"After reviewing an environmental evaluation of the proposed revocable encroachments and the proposed addition to the Mart (EE130), the Director of Planning found that the proposed project would not have a significant effect on the environment, and the submitted Environmental Form has been filed as a Negative Declaration."

Allan B. Jacobs, Director of Planning, recommended that the building application be approved subject to five specific conditions which were contained in a draft resolution which had been prepared for consideration by the Commission. He also recommended that the proposed revocable encroachment permit be approved as in conformity with the Master Plan.

Commissioner Ritchie asked a series of questions regarding the size of the facade areas which would be windowless. From responses given by Jorge de Quesada, architect for the applicant, he determined that most of the wall areas of the top eight stories of the proposed building would be windowless. Therefore, as seen from the west, the building would present a 124 by 85 foot slab of solid concrete with one inch deep tracery; and, as viewed from the south, the building would present a solid slab of concrete 284 feet by 85 feet. While he was in favor of the project, he felt that people would be surprised by the massive amount of concrete on the facades of the building as viewed from the south and the west.

The Director stated that the staff, also, had been concerned about the treatment of the building facades; and, for that reason, the second condition of the draft resolution being recommended had been included to specify that final drawings and specifications for the exterior architectural treatment of the proposed addition shall be approved by the Department of City Planning.

Commissioner Ritchie remarked that it would be difficult to require significant alteration of the applicant's plans at a later date if the Commission were to approve the large expanses of concrete wall in principle at the present time. He asked if the concrete walls of the building would be painted and received a negative response from Mr. de Quesada. He then remarked that Pacific Telephone Company Buildings at Folsom and Second Streets and across the street from St. Mary's Square have large expanses of concrete wall which are quite unattractive; and he pointed out that the Pacific Gas and Electric Building which is located approximately one block from the subject site has a solid concrete wall, also.

Commissioner Porter observed that the concrete walls would not be visible to everyone in San Francisco. Commissioner Ritchie stated that they would be visible to anyone south or west of the building.

President Newman asked if the conditions which had been recommended by the Director would be acceptable to the applicant. Mr. de Quesada stated that he was concerned about the condition requiring that street trees or other landscaping be installed on Jessie Street; and he indicated that he was concerned about the condition because Jessie Street is extremely narrow.

Mr. Passmore stated that the applicant proposed to set the building back from Jessie Street five feet thus giving an opportunity to introduce street trees along Jessie Street, particularly at the intersection of Jessie and 10th Street.

Commissioner Ritchie stated that he would not vote for approval of the building permit application. He acknowledged that architecture is a matter of personal taste and that the impact of the proposed building would be difficult to predict; however he felt that the building should have more windows and more glass if it were to be approved by the Commission.

Mr. de Quesada stated that a windowless building in Montreal had appeared on the cover of the magazine entitled Architectural Record; and he believed that the addition which he had planned to the Merchandise Mart would be superior to that building. He stated that the original Merchandise Mart building had been constructed with windows so that it could be converted for office use in case the Merchandise Mart should fail to be successful; and he indicated that the windows have proven to be a great nuisance to tenants of the building.

Mr. Laurence Feldman, owner of the Merchandise Mart, confirmed that windows are undesirable aspects of the present building; and he indicated that his tenants had tended to block out the windows in their own individual ways, thus giving the building the appearance of a warehouse.

After discussion it was moved by Commissioner Rueda, seconded by Commissioner Porter, and carried 5 - 1 that Resolution No. 6990 be adopted and that building permit Application No. 417508 be approved subject to the conditions which had been recommended by the Director. Commissioners Farrell, Mellon, Newman, Porter, and Rueda voted "Aye"; Commissioner Ritchie voted "No".

Subsequently it was moved by Commissioner Porter and seconded by Commissioner Rueda that the request for the revocable encroachment permit be approved as in conformity with the Master Plan.

President Newman asked if the applicant intended to install brick paving in the Stevenson Street Mall as indicated in the renderings which had been submitted. Mr. de Quesada replied in the affirmative.

President Newman then asked who would be responsible for the maintenance of the Stevenson Mall. Mr. de Quesada replied that the owner of the Merchandise Mart would accept responsibility for maintenance of the street.

When the question was called, the Commission voted unanimously to authorize the Director to report that the proposed revocable encroachments, consisting of converting the dead-end segment of Stevenson Street east of 10th Street into a landscaped pedestrian mall, and the construction of an enclosed single level pedestrian bridge over said street connecting the upper floors of the existing Western Merchandise Mart and the proposed addition thereto, are in conformity with the Master Plan.

R72.43 PROPOSAL TO DECLARE SURPLUS, PORTION OF LOT 1, BLOCK 5695 SAN BRUNO AVENUE, WEST SIDE, NORTH OF TOMPKINS AVENUE.

Samuel Jung, Planner IV, reported on this matter as follows:

"Electrical Construction and Sales Corporation has asked if a portion of City-owned Lot 1 in Block 5695, located along the westerly side of San Bruno Avenue northerly of Tompkins Avenue can be declared surplus and sold. The property is a very narrow strip of vacant flat land located adjacent to the Southern Freeway-Bayshore Freeway Interchange and the Farmers' Market parking lot. The area is zoned C-2 and commercial uses occupy buildings along the west side of Peralta Avenue and north side of Tompkins Avenue. The Farmers' Market parking lot is located south of Tompkins Avenue.

"This electrical company owns a long narrow wedge-shaped parcel to the west of the City-owned parcel and it is willing to deed to the City an eighty-foot frontage along Peralta Avenue north of Tompkins Avenue in exchange for the City-owned portion north of the eighty-foot line. If approved, this proposed exchange would give the City a 38' x 80' rectangular corner lot and the applicant would have a usable L-shaped lot with a 20-foot opening along Peralta Avenue.

"Based on information in the Environmental Evaluation form, it does not appear that the proposed exchange of land would have a significant impact on the environment and a Negative Declaration has been filed."

Allan B. Jacobs, Director of Planning, recommended that the proposal to declare the subject parcel of property surplus be approved as in conformity with the Master Plan.

After discussion it was moved by Commissioner Porter, seconded by Commissioner Mellon, and carried unanimously that the Director be authorized to report that the declaration of a portion of Lot 1 in Block 5695 as surplus is in conformity with the Master Plan.

R73.11 JURISDICTIONAL TRANSFER OF NORTHWEST CORNER OF DOLORES AND RANDALL STREETS.

Samuel Jung, Planner IV, reported on this matter as follows:

"Lot 18 in Block 6657 is located on the northwesterly corner of Dolores and Randall Streets and is zoned R-3. The rectangular parcel has an average width of 48 feet and a depth of 100 feet and it is located adjacent to the Fairmount Elementary School play area. The lot is under the jurisdiction of the Department of Public Works; however, it is no longer needed for street purposes.

"The Board of Education has proposed that this lot be transferred from the Department of Public Works to the San Francisco Unified School District. Tentative plans for the Fairmount School call for the demolition of the existing school and replacing it with another structure and the additional land would enhance the design possibilities of the new facility.

"Jurisdictional transfer of City-owned property is excluded from the requirement of filing an Environmental Impact Report."

The Director recommended that the jurisdictional transfer of property be approved as in conformity with the Master Plan.

After discussion it was moved by Commissioner Porter, seconded by Commissioner Ritchie, and carried unanimously that the Director be authorized to report that the jurisdictional transfer of Lot 18, Block 6657, from the Department of Public Works to the San Francisco Unified School District, is in conformity with the Master Plan.

R118.73.1 TENTATIVE PARCEL MAP FOR PROPERTY IN UNIVERSITY MOUND AREA.

Samuel Jung, Planner IV, reported on this matter as follows:

"The Western Subdivision Engineering Company has submitted a tentative Parcel Map to resubdivide two blocks, in the University Mound Area, bounded by Felton, Yale, Silliman and Princeton Streets (Blocks 5936 and 5937) and a 300-foot frontage along the east side of Princeton Street north of Felton Street (Block 5935). Ninety-two lots will be created. Each parcel will be 25 feet wide with depths ranging from 70

feet at the corners to 120 feet for interior lots. The proposed resubdivision complies with the minimum lot size regulations of the City Planning Code and the existing neighborhood lot pattern. The area is zoned R-1.

"On November 4, 1970, the City Planning Commission approved an 87-family planned unit development on a portion of the subject parcel. However, the project did not proceed.

"Based on information in the Environmental Evaluation Form, it appears that the proposed resubdivision of land would not have a significant impact on the environment and a Negative Declaration has been filed."

Allan B. Jacobs, Director of Planning, recommended that the tentative parcel map be approved as submitted.

After discussion it was moved by Commissioner Ritchie, seconded by Commissioner Rueda, and carried unanimously that the Director be authorized to report that the tentative parcel map, as submitted by the Western Subdivision Engineering Company and dated November 7, 1972, be approved as submitted.

At 3:25 P.M. President Newman announced that the meeting was recessed. Members of the Commission then proceeded to Room 282, City Hall, and reconvened at 3:35 P.M. for hearing of the remainder of the agenda.

ZT73.2 PUBLIC HEARING ON PROPOSED AMENDMENT TO CITY PLANNING CODE TO REGULATE BUILDING PROJECTIONS OVER CITY STREETS AND ALLEYS.

Robert Passmore, Planner V (Zoning), and DeWayne Guyer, Planner II, using photographic slides, reported on this matter as follows:

"This is a proposal to regulate the extent to which buildings may overhang streets and alleys.

"A distinctive characteristic of buildings in San Francisco, particularly in older residential areas, all small bay windows and richly detailed architectural ornamentation that project over city streets and alleys. This historical building pattern was reinforced until recently by the San Francisco Building Code, which limited the width of bay windows that projected over street areas and required major separation of the bays. However, in 1969 the Building Code was modified to allow building projections of up to four feet in depth for the entire width of a building. That amendment has resulted in numerous new buildings with continuous projections of enclosed building space over city sidewalks.

"Such buildings have brought strongly expressed citizen concern over blockage of views, loss of light and air, and conflict with the existing architectural character of nearby older development. Both the Department of City Planning staff and the City Planning Commission have also expressed concern over the inappropriate design of many of these buildings, and the Commission requested that the staff prepare an appropriate amendment to the City Planning Code to regulate building projections over streets and alleys.

"The objectives, principles and policies of the Urban Design element of the Master Plan bear a direct relationship to the architectural design of building facades, especially over public areas. The Plan states the objective of 'Conservation of resources which provide a sense of...continuity with the past...', and lists among principles for such conservation that 'New development can enhance and preserve San Francisco's distinctive qualities if it is designed with consideration for the prevailing design character and the effect on surroundings.'; 'External details in building facades ...provide visual interest and enrichment and are consistent with the historic scale and texture of San Francisco...(and) richly detailed facades enhance the character of the street by giving it greater visual variety. Such detail often reduces building facades and textures to a more human scale and makes the street a more pleasant place to be.'; and 'To conserve important design character in historic or distinctive older areas, some uniformity of detail, scale, proportion, texture, materials, color and building form is necessary.' The Plan consequently states as policies, 'Respect the character of older development nearby in the design of new buildings.'; and 'Review proposals for the giving up of street areas in terms of all the public values that streets afford.'

"The projection of buildings into street areas should be permitted only if a public benefit will result. Building projections in street areas can result in the following benefits if appropriately controlled: 1) distinctive, traditional detailing will be reflected in new buildings, 2) greater visual variety and development of building facades to a more human scale will result, 3) the interior of the new buildings will be provided a greater amount of light and air, and 4) persons within new buildings will be provided additional street views. Projections should not be used, however, merely to increase occupied floor area in the building.

"The standards of the proposed amendment have undergone an orderly evolution. By giving proposed standards to developers of potential new buildings as guidelines for projections into street areas, the Department has been able to test and revise the standards through actual use. The Department has received the review and advice of development, construction and architectural professionals, as well as the views of city residents, in preparing the attached proposal.

"The attached proposal to the Planning Code would add to the code a new Article concerning the use of street areas, and would provide provisions for projections over streets and alleys.

"These provisions state that projections over streets and alleys will be allowed by revocable permit, subject to three basic types of regulation:

"1. A basic envelope, as seen in plan view, to set the maximum width and projection of bays and balconies and to set a minimum separation for such projections.

"2. A minimum proportion of the vertical sides of each projection to be in glass (for bay windows) or open area (for balconies), with some of this glass or open area to be placed on the side and front surfaces to provide light, air and views to both the side and front and avoid blank surfaces.

"3. A maximum amount of projection for purely decorative projections, building curbs and buffer blocks, and fire escapes.

"Signs, flag poles, marquees, awnings, canopies, temporary occupancy of street and alley areas during construction, and use of street space below grade remain unaffected by the proposed amendments, and would continue to be regulated by existing provisions of the Planning Code, Building Code and other portions of the Municipal Code.

"The standards for projections over streets and alleys are proposed to apply in identical fashion to projections beyond building set-back lines established under existing Article 4 of the Planning Code, and existing Section 402 of the Code would be amended accordingly.

"If the proposed amendments were made to the Planning Code, it is contemplated that the conflicting provisions of the Building Code allowing continuous projections would be eliminated from that Code."

President Newman asked if adoption of the proposed ordinance would be compatible with the City's parapet ordinance. Mr. Passmore replied that the proposed ordinance would specify instances in which projections would be permitted whereas the parapet ordinance specifies what safety standards must be met by any projections which are permitted.

John Kirkpatrick, 2332 Washington Street, represented the Board of Directors of the Pacific Heights Association and indicated that they were very enthusiastic about the proposed amendment. He felt that the ordinance would improve the appearance of new buildings as indicated in the slides which had been shown by the staff of the Department of City Planning; and he hoped that the amendment would be approved.

President Newman stated that a telegram had been received from the Planning Committee of the Mission Coalition Organization supporting adoption of the proposed ordinance. They felt that the ordinance would help to beautify the facades of new buildings; and, at the same time, it would provide residents with better views. Therefore, it was hoped that the ordinance would be approved.

Steve Thompson, representing the Urban Design Plan Task Force of the Northern California Chapter of the American Institute of Architects, read and submitted the following prepared statement:

"The Northern California Chapter of the American Institute of Architects welcomed the opportunity to participate in the formulation of the proposed amendment to the City Planning Code.

"Architects support the intent of the proposed regulation of building projections over public property and agree with the Planning Staff's definition of the issue and their supporting statements included in Mr. Jacobs' memorandum to the Commission on January 18, 1973. The goals of conservation, continuity, preservation of distinctive San Francisco quality and detail, respect and design consideration of existing building scale, as well as protecting public values are all highly desirable.

"While we support this amendment to the Planning Code and the review process from which it evolved, there are specific reservations to the mechanisms of control which we feel must continue to evolve.

"Specifically: The limitation of bay projections to 15 feet in width may perhaps be oversimplified. While we were unable to derive a more reasonable formula for segmenting projections, some experience with the regulation may indicate a solution.

"The percentage of glass area has been increased from the earlier proposals to its current 50%. Some continuing concern has been that even more may be necessary.

"The most important reservation is with the limitation of cornice, eave and still projections. While the proposed amendment will serve to limit abuse of projections, it may also limit desirable architectural features. We could offer no better formula for control, but again wish to continue to review buildings designed to meet this regulation and have the opportunity to alter this control if it fails to function properly.

"This amendment to the Code is important to San Francisco and we urge its adoption."

Vincent Walsh, a contractor, remarked that no one had addressed themselves to the issue of the practicality of the proposed ordinance. He stated that he was not in favor of or against continuous overhangs; however, he wished to point out that construction of two individual bay windows instead of a continuous overhang would require nine walls rather than one and would increase the cost of a building by at least $2,000. He also remarked that the proposed ordinance reflected a concern only for the design of the exterior of buildings and did not take interior design into consideration. He stated that contractors are already suffering from the City's tendency to dictate design by legislation; and he noted that many factors such as height, coverage, and other factors are already subject to control. He stated that contractors, also, want a more beautiful city; however, they would also like to have some leeway in designing their buildings. He stated that he was particularly concerned about the effect which certain provisions of the proposed ordinance would have on new construction on 25 foot wide lots. The ordinance, as drafted, would not permit construction of two six-foot bays on buildings having a width of only 25 feet; and he felt that some change should be made in that aspect of the ordinance. Also, by requiring that projections would have to be at least 10 feet above the sidewalk, the ordinance would require two feet of additional construction in the first story of new buildings which would ordinarily be only eight feet high. He submitted a sketch which contained his suggestions for modification of the ordinance; and he urged thatthe Commission, in taking action on the ordinance, to provide contractors with some flexibility.

Commissioner Porter remarked that continuous overhangs had been permitted only since 1969; and she emphasized that the type of buildings which had resulted in that short time had made it apparent to many people that a new overhang ordinance is needed.

Mr. Walsh stated that he was fully aware of the background of the proposed ordinance. Furthermore, he stated that contractors do want to construct better buildings because they are easier to sell and because they command a better price. He stated that he has a personal affection for the style of San Francisco buildings; however, if the proposed ordinance were to be adopted as recommended by the staff of the Department of City Planning, he feared that the community would soon begin to feel that contractors do not know how to construct anything except buildings with two bays in front.

Mike O'Neal, another contractor, admitted that bay windows are 100% better than continuous overhangs in terms of appearance and in terms of rentability; however, the standards which had been proposed by the staff of the Department of City Planning would result in serious problems on 25 foot wide lots. He stated that he had fought against the proposed ordinance all along the way; but in the end he had to admit that the staff's proposals would be appropriate for lots with widths of 30 feet or more.

Allan B. Jacobs, Director of Planning, remarked that the American Institute of Architects wished to observe the proposed ordinance in action, and he agreed that all ordinances should be subject to review after they have been in effect for a reasonable period of time. By the same token, he felt that the concerns of the contractors could be evaluated better after additional experience has been gained with the ordinance. Mr. O'Neal had questioned the practicality of the ordinance; however, based on experience to date with contractors and architects, he was satisfied that the ordinance would be practical. In any case, if any developer should feel that conformance with the terms of the ordinance would not be feasible, he would have the option of setting his building back to the property line since the ordinance would not require that overhangs be provided but would only establish standards which would have to be met if they were to be permitted. He felt that the principle concern of individual contractors would be to expand the square footage of space available in their buildings; and he remarked that no public purpose would be achieved if only that end were met. He stated that contractors had enjoyed maximum flexibility in the matter of overhangs since 1969; and he noted that the buildings which had resulted in the interim had aroused high levels of concern in neighborhoods throughout the City. He recommended that the ordinance which had been drafted by the staff of the Department of City Planning be approved with the understanding that changes could be made in the future if any features of the ordinance should actually prove to be impractical.

President Newman called attention to letters he had received from Jonathan Bulkey, an architect, and from the Planning Association for the Richmond (PAR) in support of the proposed ordinance.

Commissioner Ritchie stated that the modifications being proposed by the contractors, as indicated in the sketches which they had submitted, seemed to be reasonable; and, while he acknowledged that the ordinance could be amended after adoption, he felt that their recommendations should be considered before action is taken on the matter by the Commission. The contractors had stated that it would cost them at least $2,000 per building to conform with the requirements of the proposed ordinance; and, if that were the case, he feared that the ordinance would discourage contractors from providing bay windows.

The Director stated that the staff of the Department of City Planning had worked informally with contractors and architects to test the features of the proposed ordinance; and he indicated that the terms of the ordinance had appeared to operate with success.

Commissioner Porter remarked that desire for additional floor space seemed to be in conflict with aesthetic considerations. Yet, the amount of additional floor space at stake would probably not be greater than 50 square feet per floor; and she did not feel that such a small amount of additional floor space could justify the undesirable impact of a continuous overhang on a 25 foot lot.

President Newman asked what limitations had existed regarding the construction of bays prior to 1969. Mr. Passmore replied that requirements had existed that bays be no greater than 10 feet in width and that there be a minimum separation of five feet between bays. He stated that no requirements had existed to control the amount or location of glass in the bays.

Mr. Walsh stated that the contractors were not arguing for a continuous overhang as opposed to bays; they were only objecting to the standards recommended by the staff of the Department of City Planning which would restrict the possible treatment on a 25 foot lot to one 16-foot wide window and one 4-foot-wide window. Such a combination would make the design and usability of the indoor portions of the building most difficult. Commissioner Ritchie confirmed that the sketches which had been submitted by the contractors did not show continuous overhangs; they were merely asking for more leeway in designing the bays. If the restrictions contained in the proposed ordinance were to be too rigid, developers would not be able to provide bays. Under the circumstances, he felt that consideration should be given to the request which had been made for amendment of the ordinance.

After further discussion it was moved by Commissioner Ritchie, seconded by Commissioner Mellon, and carried unanimously that this matter be taken under advisement until the meeting of April 19, 1973, and that the staff of the Department of City Planning be instructed to consult with the contractors regarding possible changes in the draft of the proposed ordinance during the interim.

The meeting was adjourned at 4:20 P.M.

Respectfully submitted,

Lynn E. Pio
Secretary

ABJ

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held March 29, 1973.

The City Planning Commission met pursuant to notice on Thursday, March 29, 1973, at 1:00 P.M. at 100 Larkin Street.

PRESENT: Walter S. Newman, President; Mrs. Charles B. Porter, Vice President; John C. Farrell, Mortimer Fleishhacker, Thomas J. Mellon, John Ritchie, and Hector E. Rueda, members of the City Planning Commission.

ABSENT: None

The staff of the Department of City Planning was represented by Allan B. Jacobs, Director of Planning; R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator); Robert Passmore, Planner V (Zoning); Peter Svirsky, Planner V (Zoning); Lucian Blazej, City Planning Coordinator; James White, City Planning Coordinator; James Paul, City Planning Coordinator; Alec Bash, Planner III; Ronald Jonash, Planner III; John Phair, Planner III; Sidney Shaw, Planner III; William Ducheck, Planner III - Urban Design; Robert Feldman, Planner II; Emily Hill, Planner II; Gregory Oliver, Planner II; Nat Taylor, Planner II; Tom Whitney, Planner II; Linda Ferbert, Planner I; and Lynn E. Pio, Secretary.

Ralph Craib represented the San Francisco Chronicle; Donald Canter represented the San Francisco Examiner.

1:00 P.M. 100 Larkin Street - Field Trip.

Member of the Commission and staff departed from 100 Larkin Street at 1:00 P.M. to take a field trip to properties scheduled for consideration during the zoning hearing to be held on April 5, 1973.

2:00 P.M. Room 282 - City Hall

APPROVAL OF MINUTES

It was moved by Commissioner Porter, seconded by Commissioner Fleishhacker, and carried unanimously that the minutes of the meetings of February 22 and March 1, 1973, be approved as submitted.

CURRENT MATTERS

Allan B. Jacobs, Director of Planning,reported that the Board of Permit Appeals has refused to grant a re-hearing to the Delancey Street Foundation; and, as a result, the Zoning Administrator's thirty day cease and desist order has gone into effect again.

The Director advised the Commission that Mrs. de Losada, 428 Hill Street, has withdrawn her request for a discretionary review of plans for a single family dwelling in her block.

The Director informed the Commission that the Board of Supervisors has unanimously approved the Planning Code Amendment removing the termination date for nonconforming dwellings in industrial districts.

The Director announced that Marie Carlberg has filed for a disability retirement. The Commission adopted Resolution No. 6991 expressing its appreciation to Miss Carlberg for her years of service and its deep regret at her departure.

The Director announced that a committee meeting will be scheduled next Tuesday, April 3, at 1:45 p.m. for continuation of the field trip to properties scheduled for consideration during the Zoning Hearing to be held on April 5.

The Director requested the Improvement Plan for Open Space Committee (Commissioners Farrell, Newman, Porter), to meet next Tuesday, April 3 at 2:30 p.m.

The Director noted that he had distributed a memorandum at last week's meeting which had been prepared by the staff of the Department of City Planning at the request of the Commission to explain what had happened to funds which had been obtained by the Recreation and Park Department from the sale of Father Crowley Playground and Columbia Square in the South of Market area; and he suggested that the Commission might wish to receive comments from people who were present in the audience relative to the subject of that memorandum.

Peter Mendelsohn, representing TOOR, advised the Commission that negotiations concerning the proposed Yerba Buena Center are almost complete; and, since that project will include residential buildings, he felt that the City should provide a playground to replace Father Crowley Playground and Columbia Square to serve people living in the South of Market area. He also remarked that warehouses in the South of Market area are not needed and suggested that they will ultimately be replaced with residential buildings; and he remarked that that trend, also, would generate a need for park facilities in the area. He stated that property in the vicinity of 6th and Folsom Streets contains the shell of two buildings which were destroyed by fire; and, since a river runs beneath that property, major new development would not be feasible. Under the circumstances, he felt that the property should be acquired for a new park.

Commissioner Porter stated that she was sympathic to the idea of creating a new park in the South of Market area; however, she pointed out that the report which had been prepared by the staff of the Department of City Planning had indicated that the money which had been obtained from the sale of Father Crowley Playground had already been spent, mostly for the maintenance of other recreation and park facilities.

Leland Meyers, representing the Economic Opportunity Council, felt that the money obtained from the sale of Father Crowley Playground had been spent illegally; and he believed that the City should correct the situation by purchasing the property at 6th and Folsom Streets for a new park.

Commissioner Fleishhacker inquired about the size of the property at 6th and Folsom Streets. Mr. Meyers replied that the property consists of almost one-half of a city block.

Commissioner Fleishhacker then asked if conversion of that property into a park would satisfy the demands of South of Market residents.

Mr. Meyers replied that a park at that location would be better than no park at all. He also felt that the facilities at Bessie Carmichael School could be put to better use after school hours; and he noted that a proposal had been made for a senior citizens park beneath the freeway in the vicinity of the Hall of Justice. He felt that those combined facilities would be sufficent to serve the needs of South of Market residents.

Commissioner Fleishhacker emphasized that the real property account of the Recreation and Park Department has a balance of only $375.21; and he indicated that no additional property can be acquired South of Market Street by the Recreation and Park Department unless a new appropriation of funds is obtained from the Board of Supervisors.

Commissioner Porter asked the Director to comment on the possibility of obtaining appropriations for new parks. The Director replied that the City's recent history of providing funds for acquisition of new parks has not been outstanding; and, in view of the current tax rate, he felt that the possibility of a bond issue for parks in the immediate future was remote. Also, given decisions which had been made on funding of Capital Improvement Program projects during the past few years, he felt that it was not likely that the Board of Supervisors would earmark any significant amounts of money for capital projects in coming years. He noted, however, that the staff of the Department of City Planning, in the programs section of the Improvement Plan for Recreation and Open Space, had suggested that an open space acquisition and development fund might be established in San Francisco; and he felt that if such a fund were established, the community could raise enough money over a 20 year period to achieve most of the open space it requires. Under the circumstances, he felt that the most meaningful approach for the Commission to take would be adoption of the Improvement Plan for Recreation and Open Space and endorsement of the recommendations contained in the program section of that plan.

CONSIDERATION OF REQUEST FOR EXTENSION OF CONDITIONAL USE AUTHORIZATION FOR CONSTRUCTION OF A HOTEL AT THE NORTHEAST CORNER OF SACRAMENTO AND SPROULE LANE.
(UNDER ADVISEMENT FROM MEETING OF MARCH 15, 1973)

Allan B. Jacobs, Director of Planning, remarked that this matter had been taken under advisement from the meeting of March 15, 1973, for the purpose of determining whether the parties involved could come closer together during the interim

Robert Patmont, attorney for the applicants, advised the Commission that the situation remained substantially as it was two weeks previously. While negotiations had continued, residents of the neighborhood had taken no concrete action to acquire title to the site.

Stanley Herzstein, a resident of the Nob Hill Apartments, stated that he had contacted William Baldwin, owner of one of the subject parcels of property; however, he confirmed that no definite agreement had been reached concerning the sale of property.

Commissioner Porter asked Mr. Herzstein if he were still opposed to the applicant's request for extension of the conditional use authorization. Mr. Herzstein replied in the affirmative.

President Newman asked Mr. Herzstein if he represented all of the owners of the Nob Hill Apartments. Mr. Herzstein replied in the negative, indicating that he represented only himself and a few other residents of the building.

Varnum Paul, Chairman of the Board of Directors of the Nob Hill Apartments, stated that the position of the owners of the Nob Hill Apartments remained unchanged.

Terry Covert, representing Concerned Citizens of Nob Hill, emphasized that the Commission, in considering a conditional use application, must establish that there is a need for the facility being proposed; and, in that regard, he advised the Commission that Henry G. Lewin, Senior Vice-President of Hilton Hotels, had been quoted in a recent edition of Business Week magazine as stating that he would not advise any investor to build another hotel in San Francisco at the present time. Furthermore, Mr. Covert felt that no new highrise buildings should be allowed on Nob Hill until density issues relating to the neighborhood are resolved. He stated that his organization had filed an application requesting "downzoning" of a small area of Nob Hill; and he felt that the staff of the Department of City Planning should undertake a study of the desirability of lowering the density of a larger part of the neighborhood. He stated that 3 or 4 additional highrise buildings may be erected on Nob Hill in the near future; and he felt that construction of a highrise hotel on the subject site would put an intolerable strain on living conditions in the neighborhood. He urged that the request for extension of the conditional use authorization for construction of the hotel be denied.

Commissioner Porter stated that she, also, was concerned about density issues. However, it seemed to her that Mr. Covert was, in effect, arguing for no further development on Nob Hill; and she did not feel that such a position was practical. She pointed out that the subject property is zoned for highrise construction; and she expected that a large building would be constructed on the site even if the authorization for construction of the hotel is allowed to lapse.

Mr. Covert stated that the present zoning of Nob Hill would allow the density of the neighborhood to be tripled; and he did not feel that such zoning represented good planning.

The Director noted that the applicant's original request had been for a two year extension of conditional use authorization; however, during the Commission's meeting two weeks ago, Mr. Patmont had stated that he would be willing to modify the request and asked that the extension be granted for only one year. Therefore, the Commission could either approve an extension for a one year or a two year period or else disapprove the request. He recommended that the request be disapproved. He remarked that when the hotel had been approved initially, in 1968, it had appeared that there was a public need for new hotels; and such a use of the residential property seemed appropriate to the Commission at that time. However, subsequent construction of numerous new hotels and major hotel additions in commercially zoned areas in the City during the interim seemed to have resulted in a substantial reduction of that need. He felt that development of the subject site with residential units in keeping with surrounding development would be an appropriate and desirable use of the site if hotel construction cannot commence within the originally stipulated time. He stated that the potential change in public need for hotels with the passage of time was the reason that a condition had previously been established by the Commission setting a three year time limit on the conditional use authorization; and, if the conditional use authorization were to be extended, he felt that a new application should be filed, that new public hearings should be held, and that a new analysis of the proposal should be conducted. If that approach were to be taken, an environmental impact report would be required, also.

Mr. Patmont stated that other changes had occured during the past three years which had not been mentioned by the Director. The Yerba Buena Center Project had been delayed; and that delay was to a considerable extent responsible for the request for extension of the conditional use authorization for the proposed hotel. He also noted that the Commission had acted previously in 1968 to approve construction of another hotel on the subject site; however, after revised plans had been submitted in 1970 which had taken environmental considerations into account and had improved traffic conditions, the Commission had granted another conditional use authorization to his clients. He felt that it would be unfair for the Commission to force the issue by disapproving the request for extension of the conditional use authorization; and he urged that a one year extension be granted so that his clients would have an opportunity to determine whether the hotel situation is improving.

Commissioner Porter stated that she had voted in favor of the conditional use application for the hotel because she had felt that a hotel would have certain advantages which would not be offered by an apartment building. However, after construction of the hotel had been approved, Mr. Patmont's clients had come before the Commission to request permission to construct a retirement home on the property. Under the circumstances, she could not understand Mr. Patmont's claim that no development other than a hotel would be economically feasible on the site.

Mr. Patmont stated that the retirement residence would have offered a potential economic return which would have justified his clients investment; however, no other type of development which had been analysed, with the exception of the proposed hotel, would meet that objective. He stated that the management of the proposed hotel would encourage wealthier people to reside in the structure as people do in New York City. He also stated that his clients would donate their lease-hold interest in the portion of the site owned by the Baldwin family if fee title to that property could be obtained by the owners of the Nob Hill Apartments. In any case, his clients felt that they should not be forced to start construction of a hotel on the site until they are sure that plans for the Yerba Buena Center will proceed.

Commissioner Rueda observed that construction of the Yerba Buena Center project may be initiated within the next few months; and, if so, construction of the proposed hotel could be initiated prior to the expiration of the conditional use authorization granted in 1970.

Commissioner Mellon asked if the residents of the Nob Hill Apartments were opposed to the applicant's request for extension of the conditional use authorization in order to force the applicants to either start construction or else to take advantage of the option to develop the property as a park.

Mr. Paul replied in the negative, indicating that the Board of Directors of the Nob Hill Apartments had made their offer to acquire the property in good faith. He stated that they were not opposed to the concept of a hotel on the subject property; however, so much had occured since the time that the matter was last reviewed by the Commission, they felt that the proposal should be reviewed again in the light of changes which had taken place during the interim. If the property is not used for a park, it should be developed. But he emphasized that conditional use authorization must be based on need; and he pointed out that the community's need for hotel rooms has changed since 1970. He also remarked that people's opinion of highrise construction has changed considerably during the past three years.

Commissioner Mellon asked if Mr. Paul felt that the people whom he represented could benefit from additional time. Mr. Paul replied in the negative.

After further discussion it was moved by Commission and seconded by Commissioner Fleishhacker that the request for extension of the conditional use authorization be disapproved.

Commissioner Rueda stated that he would vote against the motion. If the request for the extension were not approved, the Commission would force the developer to make a hasty decision regarding construction of the proposed building.

Commissioner Fleishhacker remarked that disapproval of the request would leave the applicants with several options, including those of filing a new conditional use application or allowing the property to remain vacant. It appeared to him that someone had leased the subject property at too high a price; and he felt that their investment would continue to be a bad one no matter what happens. He remarked that

the questions of necessity and desirability had been considered by the Commission three years ago; and, if a new conditional use application were to be filed, and if the Commission were to determine that the proposed hotel would still be necessary and desirable, he expected that the Commission would approve it again.

At this point in the proceedings, Commissioner Ritchie arrived in the meeting room and assumed his seat at the Commission table.

Mr. Patmont emphasized that he had informed the Commission two weeks ago that various other alternative developments had been considered and that a determination had been made that no project other than a hotel would be economically feasible; however, his clients preferred to defer their construction plans until a final determination is made regarding the Yerba Buena Center.

Commissioner Porter stated that she had received a letter from the architects who had designed the retirement home for Mr. Patmont's clients; and in that letter he had stated that he would be prepared to proceed with construction of an apartment building on the site since the conditional use authorization for the retirement home had been denied by the Commission. She did not know if he had been qualified to make that statement; however, it appeared that he felt that residential construction would be feasible.

Mr. Patmont stated that the architect had been proceeding under the auspicious of Mr. Herzstein and his group on a project which had failed to transpire.

When the question was called, the Commission voted 4 - 3 to adopt Resolution No. 6992 and to disapprove the request for extension of the conditional use authorization for construction of the hotel. Commissioners Fleishhacker, Newman, Porter, and Ritchie voted "Aye"; Commissioners Farrell, Mellon, and Rueda voted "No".

PRESENTATION OF DRAFT OF CONSERVATION ELEMENT OF THE COMPREHENSIVE PLAN.

The report, which is available in the files of the Department of City Planning was presented and summarized by Sidney Shaw, Planner III. Mr. Shaw also responded to questions which were raised by members of the Commission.

Allan B. Jacobs, Director of Planning, announced that the first public hearing on the draft of the Conservation Element of the Comprehensive Plan will be heard on April 12, 1973.

PUBLIC HEARING ON LIST OF CATEGORICAL EXEMPTIONS FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, PROPOSED FOR ADOPTION BY THE CITY PLANNING COMMISSION PURSUANT TO STATE LAW.

Peter Svirsky, Planner V (Zoning), made the following introductory statement:

"Today's hearing on the proposed list of categorical exemptions from the California Environmental Quality Act was advertised on March 9. The hearing was scheduled so that the new list could be in effect by April 4.

"On April 4 the old categorical exemptions as adopted by this Commission last December 14 will no longer be valid, since they will not then be in conformity with the current State Guidelines. Local agencies have been mandated to adopt new lists that do meet the Guidelines.

"This hearing was advertised under an assumption that the ordinance setting local procedures, which was sent to the Board of Supervisors by the City Attorney on February 22, would by now have gone through the Board. Such has not been the case, and the most recent hearing -- last Tuesday night -- was inconclusive. There may or may not be a measure before the Board next Monday.

"This delay has put the Commission in the position of not being able to take final action on the matter before it today, in the absence of an ordinance permanently confirming the responsibility of the Commission for determining the list of categorical exemptions. Yet some action by the Commission is necessary if any list of exemptions is to be in effect and usable on an interim basis after April 4.

"Adoption of an ordinance by the Board of Supervisors will take two weeks or more. Therefore, it will be recommended by the staff at the conclusion of this hearing that the Commission vote on a resolution today to adopt the list of categorical exemptions on an interim basis, and that the Commission also continue its consideration of this matter for four weeks to April 26 when it may be possible for final action to be taken.

"The staff appreciates the fact that the short time allowed by the State for preparation of all the local guidelines has not provided for a period of deliberation on comments raised today before the April 4 deadline, or for significant revision of the draft list if that should prove to be necessary.

"Important points may indeed be raised at this hearing, and the staff has already received letters in the past two days from the Water Department and the Department of Public Works asking for certain clarifications. The staff would like to review the various comments in detail and present to the Commission at the next meeting on this matter its recommendations for any appropriate changes.

"Accordingly, unless there are really major problems raised today it is suggested that the present draft be adopted as an interim measure to be revised as necessary at the later meeting after the local authority has been permanently established."

Mr. Svirsky then called attention to the fact that three documents had been placed before the members of the Commission, entitled as follows:

1. Non-Physical and Ministerial Projects Not Covered by the California Environmental Quality Act. (Previously presented to the Commission on March 15, 1973.)

2. Categorical Exemptions from the California Environmental Quality Act. (Proposed list previously presented to the Commission on March 15, 1973.)

3. Types of Projects Subject to Environmental Review Requirements. (Working Draft).

He felt that the best way to approach the matter before the Commission for consideration would be to read and discuss the list of types of projects which would not be excluded as non-physical or ministerial projects, nor listed as categorically exempt, and which would therefore be subject to environmental review requirements in San Francisco. The list read as follows:

"1. Conditional Use applications under the City Planning Code.

"2. Zoning amendments, to either text or map, that result in less restriction.

"3. Variances from the City Planning Code.

"4. Adoption and amendment of elements of the San Francisco Master Plan.

"5. Redevelopment projects (entire area of project plan to be taken as a whole).

"6. Subdivisions governed by the Subdivision Map Act, except for condominium subdivisions of existing buildings involving no new construction.

"7. Acquisition, sale, lease and changes of use of public real property, except for minor changes of use and minor new uses listed as excluded or exempt.

"8. Street vacations.

"9. Encroachments on public property, by revocable permit or otherwise, except for categorically exempt minor encroachments in streets, alleys and plazas.

"10. All new buildings and additions to buildings in parks and other public open spaces.

"11. New public and private buildings and facilities, and moving of existing buildings; other than minor accessory structures, single residential buildings and motels of up to four units, and single commercial, industrial, institutional and public buildings up to a size corresponding to the size of a commercial building designed to have a capacity of 20 persons including both employees and customers.

"12. Replacement or reconstruction of buildings, where the building as replaced or reconstructed is larger than the exempt size in (11) above, and is greater in size or capacity than the original building (except that certain schools and hospitals may be increased 50 per cent in capacity on the same site).

"13. Building size increases (except where a new building of the expanded size would be exempt), exceeding a floor area increase of 50 per cent or 2,500 square feet, whichever is less.

"14. Restoration of structures that have been damaged substantially by an environmental hazard such as earthquake, landslide or flood.

"15. Demolition affecting landmarks and historic districts, either designated or under formal consideration for designation by the Federal, State or local government.

"16. Off-premise signs on landmarks and in historic districts, or subject to prior stipulations under the City Planning Code.

"17. Changes of use (under permits, licenses, leases and concessions), where the new use is a non-residential use first permitted in a less restrictive zoning district than the former use, and where the new use has a capacity of more than 20 persons including both employees and customers.

"18. Grading that is part of a larger project for which environmental review is required, and all grading by the City and County on land with a slope of 10 per cent or more.

"19. Blasting used in excavation or grading.

"20. Dumping; filling other than into previously excavated land.

"21. Quarrying and other extraction of natural resources.

"22. Tree removal on public property where the tree is not immediately replaced in the ground at the same location, except for emergency projects.

"23. Use of economic poisons by the City and County in maintenance of landscaping, native growth and water supply reservoirs.

"24. Fumigation.

"25. Lighting for safety and health purposes, where excessive glare is produced.

"26. Most utilities projects involving increases in size or capacity, new routes for conduits or new systems.

"27. Public parking facilities.

"28. Certain projects affecting streets and related facilities, as follows:

a. New streets and street extensions.

b. Changes in street curb lines (sidewalk widening or narrowing, roadway realignment, street widening).

c. New drainage facilities.

d. Grade separations with street and pedestrian overpasses and underpasses.

e. Traffic rechannelization and changes in street direction resulting in more than a negligible increase in traffic capacity.

f. A total program for an extensive new system of traffic signalization.

g. A total program for extensive replacement of light standards and fixtures in street areas.

h. New stairways in street areas, and replacement of such stairways using different materials.

i. Alteration of grade or alignment of transit vehicle tracks; new overhead wires for transit.

"29. Purchases of fleets of transit vehicles.

"30. Issuance of new permits for motorized vehicles.

"31. Amendments to the Traffic Code concerning truck limitations, speed limits, and left turns.

"32. Certain changes in regulatory codes other than the City Planning Code, where the subject matter is not excluded or exempt.

"33. The following may be reviewed as part of a larger project for which environmental review is required: parking lots, accessory structures, landscaping, signs, demolition, safety and health protection devices, minor encroachments."

During the course of the presentation, Commissioner Ritchie asked if the Commission could appeal to the State for modification of some of its Guidelines if it felt that the Guidelines are too restrictive for an urban area. Mr. Svirsky replied that the letter from the Secretary of the California Resources Agency, Norman B. Livermore, Jr., which transmitted the State Guidelines had stated that suggestions for modifications should be submitted for his consideration in July 1973.

Commissioner Mellon indicated that he was concerned about Item 25 in the list of covered projects, which specified that lighting for safety and health purposes, where excessive glare would be produced, would be subject to environmental review procedures; and he asked if the language of that item correctly reflected the language in the list of categorical exemptions or could be modified.

Mr. Svirsky stated that other changes had been suggested by the Water Department and by the Department of Public Works; and he stated that the staff of the Department of City Planning would give consideration to all suggestions made for changes during the course of the public hearing.

Allan B. Jacobs, Director of Planning, stated that he hoped that the Commission would adopt the list of categorical exemptions as recommended by the staff on an interim basis and that it would postpone amendment of the list until refinements could be considered at its meeting on April 26, unless certain changes should appear to be critical at this time.

Commissioner Ritchie stated that many of the items covered by the State Guidelines seemed to be entirely irrelevant to circumstances in a developed urban area such as San Francisco; and he believed that the Commission should take whatever action is necessary to encourage the State to modify the requirements of the law as they pertain to San Francisco.

Mr. Svirsky stated that a number of meetings had been held with the State staffs and with the Secretary for Resources, in addition to the Secretary's hearings; and he indicated that some changes suggested for the State Guidelines had been accepted and others rejected.

Commissioner Fleishhacker emphasized that the Guidelines had been prepared to cover all jurisdictions in the State; and he remarked some Guidelines which might appear to be ridiculous from San Francisco's point of view might not be ridiculous from a State-wide point of view. He also felt that the Guidelines will be easier to work with as time goes by and as further criteria and definitions are developed.

Mr. Svirsky stated that the letter which had been received from Norman D. Livermore, Jr., Secretary for Resources, had contained the following paragraph:

"Helpful comments and criticisms of these Guidelines are invited. It is my intention to issue modifications based on such comments and criticisms on or about August 1973; therefore, those interested in submitting suggestions for modification should do so not later than July 15, 1973. Suggestions that reduce, rather than increase the volume and complexity of these Guidelines will be given preference."

The Director observed that it was apparent that no changes would be made before August in any case; and he indicated that the staff would prepare a list of requested changes by the July 15 deadline if the Commission so desired. It was indicated that the City's ordinance provided that the Commission would be the body to request changes in the State Guidelines.

Robert C. Levy, City Engineer, stated that he had submitted a letter to the staff of the Department of City Planning requesting the following changes in the list of categorical exemptions:

"1. On Page 3, Class 1(c)8., eliminate 'not including a total program for extensive replacement", as the statement is too vague to be meaningful and serves no useful purpose as far as environmental effects. The only environmental effect of street lights, as we see it, is whether they create a glare or not or are aesthetically displeasing.

"2. On Page 3, Class 1(c)13, eliminate 'where not part of a total program for an extensive new system of signalization.' The State guidelines only limitation for safety protection devices is on adverse environmental impact and not on the quantity of devices.

"3. On Page 3, Class 1(c)15, change 'no more than a negligible increase in traffic capacity" to 'no substantial increase in traffic capacity.' Any improvement such as channelization decreases the alternatives a driver can make and thus decreases indecisions, which by itself increases the traffic capacity of the street. We feel the words, 'negligible increase' would lead to too many suits against the City.

"4. On Page 12, Class 11, add (c), 'Construction or placement of tanks, bins or other accessory structures within the existing property limits of the sewage treatment plants.' We feel since we do have work of this nature required by the water pollution control agencies and since we are within the confines of the existing treatment plants, and are not changing the use of the area, and since Norman Livermore's letter of February 5, 1973, Point 2, says 'a maximum exclusion of projects requiring environmental reports'; that including the above is in the best interests of all concerned."

Mr. Levy stated that there would be no problem if the fourth change requested were deferred until the meeting of April 26; however, because of bid procedures and project scheduling, he hoped that the Commission would take action on the first three changes during the course of the current hearing.

Arthur H. Frye, Jr., general manager and chief engineer of the San Francisco Water Department, stated that he had submitted a letter to the Director of Planning requesting that two changes be made in the list of categorical exemptions; however, he was most interested in the first of the two changes. The letter had addressed itself to that change, as follows:

"1. Page 2, Class 1 sub-section (b), add to end of second paragraph:

> 'Water mains replacement may be another exception where size increase is necessary to bring old undersize mains up to the appropriate minimum standard, or where necessary to provide capacity for fire protection.'

Also add as new third paragraph the following:

> 'Included under this item would be short water main extensions for the purpose of eliminating 'dead ends' in the main network so as to provide circulation.'

"Comment: Many old water mains installed years ago are undersized and do not meet the current minimum size standard now required by the Water Department to provide adequate water service. When these old mains are replaced the size of the replacements are always increased to the minimum standard. Whenever fire hydrants are connected to replacement mains the fire protection requirements must be provided for and sometimes require an increase in main size.

"The elimination of 'dead ends' in the distribution system by connection to another nearby main serves to provide circulation in the affected water system, increases pressure, and eliminates taste and order complaints from consumers and the need for periodic flushing."

Vincent Walsh, representing the Residential Builders Association of San Francisco, noted that the categorical exemptions contained the following language which had been derived from the State Guidelines:

"<u>Exception by Location.</u>

Classes 3, 4, 5 and 11 are qualified by considerations of where the project is to be located -- a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these Classes are considered to apply in all instances, EXCEPT where the project may impact on an environmental resource or hazard of critical concern as may be hereafter designated, pre-

cisely mapped, and officially adopted pursuant to law. Moreover, all exemptions for these Classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time, is significant -- for example, annual additions to an existing building under Class 1."

Mr. Walsh stated that the members of his association were primarily concerned about protecting small contractors from involvement in a lot of "red tape"; and he hoped that the language of that particular State guideline could be defined narrowly in terms of its application to San Francisco. He stated that small contractors involved in the construction of frame buildings rely on zoning; and he hoped that the language of the guideline which he had cited could not be used to declare a single lot in the middle of a block as a particularly sensitive area which should be subject to environmental review procedures. If not, small contractors would have to wait to see whether the Director's negative declaration were going to be appealed; and, in view of the possibility of such delays, he felt that it would be better if a positive declaration were to be made in the beginning.

Mr. Svirsky stated that he could not understand Mr. Walsh's point of view. If a positive declaration were made, 30 days notice of a public hearing would have to be given; and, in addition to that delay, the contractor would also have to go to the expense of preparing an environmental impact report. He also noted that some contractors have been trying to have the local environmental impact ordinance amended to provide for appeals to the Board of Permit Appeals from actions taken by the City Planning Commission to certify the completeness of environmental impact reports; and he pointed out that such an appeal procedure would result in further delays.

Mr. Walsh stated that the members of his association felt that they could work with certain and definite language; however, they were disturbed by vague language which would be subject to interpretation and appeal by anyone. As a result, he felt that the local ordinance should provide that the City's guidelines cannot be more restrictive than the State's guidelines and that the State's guidelines shall be binding whenever there is a conflict between the two.

President Newman requested that Mr. Walsh submit his suggestions to the Commission in writing prior to the meeting on April 26. He then asked the staff if the modifications which had been requested by Mr. Levy and by Mr. Frye could be made without violating the State law.

Mr. Svirsky felt that exact language could be worked out in most cases which would be satisfactory both to the Department of City Planning and to the departments requesting changes; however, he stated that he would be reluctant to recommend substitution of the words "use of the street" for the words "traffic capacity of the street" in Class 1(c) 15 as requested by Mr. Levy.

Mr. Levy advised the Commission that the State Guidelines had used the word "use" rather than the word "capacity".

Commissioner Mellon felt that the Commission could not go far wrong in using the word which had been used in the State Guidelines. He then moved that the list of categorical exemptions, with modifications corresponding to those requested by Mr. Levy and Mr. Frye, be adopted on an interim basis pending the Commission's hearing on April 26. The motion was seconded by Commissioner Rueda.

When the question was called, the Commission voted 6-1 to adopt Resolution 6993 and to adopt the list of categorical exemptions as recommended by the staff with the modifications requested by Mr. Levy and Mr. Frye on an interim basis. The Commission also took this matter under advisement until its meeting of April 26, 1973, at which time action may be taken on a permanent list of categorical exemptions. Commissioners Farrell, Fleishhacker, Mellon, Newman, Porter, and Rueda voted "Aye"; Commissioner Ritchie voted "No".

The meeting was adjourned at 5:40 P.M.

Respectfully submitted,

Lynn E. Pio,
Secretary